

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Criminal Miscellaneous Application No. S-198 of 2022
(Shahdad vs The State and others)

Date	Order With Signature Of Judges
1. For order on office objection	
2. For hearing of case	

28-11-2025

Mr. Javed Ahmed Rajput, Advocate for applicant.
 Mr. Nazakat Ali Shaikh, Advocate for respondents No.4 to 6.
 Ms. Robina Qadir, Additional Prosecutor General.

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Ali Haider 'Ada' Through this application, the applicant has assailed the order dated 03.03.2022 passed by the learned Additional Sessions Judge-II/Ex-Officio Justice of Peace, Thatta in Criminal Miscellaneous Application No.154 of 2022.

2. The case of the applicant, as stated in his application under Sections 22-A and 22-B Cr.P.C., is that on 01.02.2022 at about 10:00 p.m., after feeding grass to his cattle/ox, he went to sleep. On the next morning, he, along with his brother Ghulam Muhammad noticed that the cattle had disappeared, and marks of footprints and vehicle tyres were also seen near the spot. Upon making inquiries, the proposed accused Haroon (respondent No.5) allegedly admitted that he had taken the cattle with the intention of selling it. The applicant claims that despite repeated demands, the proposed accused kept him on false assurances and thereafter refused to return the cattle or pay the remaining amount of Rs.50,000/-. Upon this complaint, the learned Justice of Peace sought a report from the concerned police officials and thereafter passed the impugned order.

3. Learned counsel for the applicant submits that the learned Justice of Peace wrongly treated the matter as a civil dispute involving sale and purchase of cattle, whereas the allegations clearly make out a case of theft of the applicant's property. He argues that the applicant had a statutory right to have his statement recorded under Section 154 Cr.P.C. if a cognizable offence was disclosed.

4. Conversely, learned counsel for respondents No.4 to 6 denies all allegations and submits that there were ongoing business transactions between the parties concerning certain material, and the present proceedings have been initiated only to settle those disputes. He argues that the applicant is attempting to convert a civil liability into criminal proceedings, and therefore prays for dismissal.

5. Learned Additional Prosecutor General supports the impugned order. She submits that before applying Sections 22-A and 22-B Cr.P.C, the applicant had moved an application before the concerned S.S.P. in which an entirely different version of facts was narrated. She further points out that in paragraph 3 of the present application, the applicant

himself states that the proposed accused did not pay remaining amount of Rs.50,000/-, which itself indicates that the dispute pertains to some monetary transaction and not to theft. She, therefore, seeks dismissal of the application as frivolous.

6. Heard. Perused the material available on record.

7. The scope of jurisdiction of a Justice of Peace is to examine and assess all material placed before him judiciously and not to decide applications in a mechanical manner. The Hon'ble Supreme Court, in the case of **Munawar Alam v. Qurban Ali (2024 SCMR 2985)**, has emphasized that the Justice of Peace must scrutinize the record with care and caution and is bound to pass a reasoned and speaking order.

8. Record reflects that before approaching the learned Justice of Peace, the applicant moved an application before the concerned S.S.P., wherein a completely different version of events was narrated. This inconsistency creates serious doubt about the bona fides of the applicant. It appears that the applicant has failed to present a coherent and credible account that would prima facie disclose the commission of a cognizable offence. The element of malice becomes apparent from these inconsistencies.

9. As regards the statutory right of an aggrieved person, it is settled that Section 154 Cr.P.C. and Rule 24.1 of the Police Rules, 1934 provide that a person may approach the concerned police functionary for recording his statement. If a cognizable offence appears from the material, a statement under Section 154 Cr.P.C. is to be recorded; if the offence is non-cognizable, proceedings under Section 155 Cr.P.C. may follow. However, the function of the Justice of Peace is distinct and limited. Acting as a quasi-judicial forum, he is required to hear the parties, examine the record, and pass a reasoned order based on the material before him.

10. In the present case, the learned Justice of Peace has carefully examined the record and rightly concluded that no cognizable offence is made out. His findings are based on proper appreciation of the material, and no illegality or irregularity has been pointed out, warranting interference by this Court. Accordingly, this Criminal Miscellaneous Application is dismissed as misconceived.

JUDGE

Saleem/P.S.