

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Criminal Misc. Application No. 975 of 2024
(Ahmed Ali Chandio vs. Senior Superintendent of Police and others)

DATE	ORDER WITH SIGNATURE OF JUDGES
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1. For hearing of case
2. For hearing of M.A.No. 13024/2025

03.12.2025

Mr. Ghulam Akbar Lashari advocate alongwith applicant ASI Ahmed Ali Chandio.

Mr. Ahmed Yasin Bhatti, Advocate for Respondent No.3

Mr. Muhammad Mohsin Mangi, Assistant Prosecutor General along with DSP Muhammad Pannah Bhutto, SDPO Pakistan Bazar

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Ali Haider 'Ada', J:- Through this application, the applicant calls in question the order dated 21.09.2024 passed by the learned V-Additional Sessions Judge/Ex-Officio Justice of Peace, Karachi West, whereby the application filed by respondent No.3 under Sections 22-A and 22-B, Cr.P.C. for registration of an FIR was allowed. Being aggrieved, the applicant, who was nominated as an accused, has assailed the said order.

2. Briefly, respondent No.3 submitted an application before the Ex-Officio Justice of Peace alleging that her son, a Head Constable in the Police Department, as she was present along with family members on 03.07.2024, when one Adnan and several others arrived, used abusive language, and assaulted the complainant. It was further alleged that the incident was reported to the duty officer, ASI Ahmed Ali Chandio (the present applicant), by her son namely Shakeel Ahmed who is serving in Police Department as Head constable, but Duty Officer not only refused to take action but also assaulted her son, snatched Rs.20,500/-, unlawfully detained him, and later released him from the lock-up.

3. In the police report, it is categorically stated that Shakeel Ahmed, the son of respondent No.3, was attempting to involve the police in a family dispute with his in-laws in order to exert pressure upon them. The applicant, being the duty officer, refused to intervene due to the personal and domestic nature of the issue. It was further stated that no

such incident as alleged had taken place and that the application under Sections 22-A and 22-B, Cr.P.C. was filed with mala fide intentions.

4. Learned counsel for the applicant contends that the impugned order was passed without proper appreciation of the available material and that the learned Justice of Peace mechanically directed registration of the FIR. It is argued that the complainant's son, being a police official, attempted to misuse his official influence to settle a personal dispute and, upon refusal by the applicant to take unlawful action, lodged a false and frivolous application. He therefore seeks setting aside of the impugned order.

5. Conversely, learned counsel for respondent No.3 argues that a cognizable offence is made out and the learned Ex-Officio Justice of Peace rightly issued directions for registration of the FIR.

6. The learned APG, however, supports the applicant by submitting that the police had furnished a fair and candid report, which was not considered by the learned Justice of Peace. He points out that respondent No.3 did not initiate proceedings against the alleged offenders named in her own application but sought registration of an FIR only against the duty officer who declined to take illegal action in a family matter. The learned APG therefore does not support the impugned order.

7. After hearing the learned counsel for the parties and examining the record, it clearly emerges that the dispute pertains to the in-laws of Shakeel Ahmed, son of respondent No.3. When the duty officer refused to interfere in a purely domestic matter, respondent No.3 sought registration of an FIR not against those who allegedly committed the assault, but against the applicant, who was merely performing his lawful duty. Such conduct obviously reflects mala fide intent on the part of respondent No.3.

8. An Ex-Officio Justice of Peace, while entertaining an application under Sections 22-A and 22-B, Cr.P.C., is obliged to scrutinize the available material to determine whether the complainant has a genuine

grievance or is attempting to misuse the process of law to settle personal scores. The Hon'ble Supreme Court in **Munawar Alam Khan v. Qurban Ali (2024 SCMR 924)** has emphasized that the Justice of Peace must refrain from passing mechanical orders for registration of FIRs without applying judicial mind. Likewise, in **Jamil Ahmad Butt and another v. The State (2014 PCr.LJ 1093)**, the Court has cautioned against misuse of Section 22-A, Cr.P.C., holding that such applications should not be entertained lightly. Similar guidance is found in **Imtiaz Ahmad Cheema v. SHO, Police Station Dharki, Ghotki (2010 YLR 189)**, where it was held that the Justice of Peace must ensure that the provisions of Section 22-A are not exploited to pressurize opponents in personal disputes under the guise of criminal proceedings.

9. In the present case, the police report unequivocally confirms that no such incident had occurred. Instead, the complainant's son, a serving Head Constable, attempted to employ police machinery to exert pressure on his in-laws. Significantly, no complaint was ever submitted by him to his departmental superiors regarding the alleged misconduct of the duty officer, which further supports the inference of mala fide.

10. For these reasons, the impugned order suffers from material irregularity and amounts to an improper exercise of jurisdiction under Sections 22-A and 22-B, Cr.P.C. Accordingly, this Criminal Miscellaneous Application is allowed. The order dated 21.09.2024 passed by the learned Ex-Officio Justice of Peace, Karachi West, is set aside, and the application filed by respondent No.3 before the Justice of Peace stands dismissed as misconceived.

JUDGE