

ORDER SHEET  
THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA  
Cr. Misc. Appln. No. S- 27 of 2025

Date

Order with signature of Judge

1. For orders on MA No.511 of 2025. U/A.
2. For orders on office objection-A.
3. For orders on MA No.512 of 2024. E/A
4. For hearing of main case.

**30-01-2025**

Mr. Azizullah Buriro, Advocate for the Applicants

Mr. Ali Anwar Kandhro, Additional Prosecutor General, Sindh

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Applicants Waris Ali Sahar and others have impugned an order dated 29.01.2025, passed by the learned 1-Additional Sessions Judge, Dadu acting in his capacity as Ex-Officio Justice of Peace. In terms of the said order, an application filed by respondent No.1 under section 22-A and 22-B of the Cr.P.C. seeking directions for the registration of an F.I.R, was allowed.

2. Learned Counsel for the applicants has argued that infact no offence has occurred and that the application filed by respondent No.01, Abbas Ali was purely based on malafide.

3. Learned Additional Prosecutor General, Sindh has supported the impugned order.

4. I have heard the counsel for the applicants and Learned Additional Prosecutor General, Sindh. My observations and findings are as follows.

5. It is a given position that if any person has an information about an offence having been committed, he is entitled under Section 154, Cr.P.C to approach the police station of competent jurisdiction with the information he has. It is then up to the police

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officer to determine whether the information reveals an offence having been committed and if yes, whether it would be categorized as a cognizable or a non-cognizable offence. The Cr.P.C. and the Police Rules have ample guidance for S.H.O.s to proceed in all these scenarios. At this juncture, learned Counsel for the applicants argues that while the impugned order appears to say that an FIR should be registered only if a cognizable offence has been committed, such orders are usually misinterpreted by the police to mean that the Ex-Officio Justice of Peace has ordered a compulsory registration of an FIR. Learned Counsel is correct to this extent that experience has shown that police officers too indeed interpret such orders to mean directions passed by the Ex-Officio Justice of Peace for mandatory registration of an FIR. It is clarified that the order of 29.01.2025 apart from the fact that in itself it does not order a compulsory registration of FIR should not be interpreted to mean the same by the police.

6. Given the above, the Respondent No.01 may approach the competent police station with the information that he has. The police shall act in accordance with law and ensure that they remain neutral as an allegation of the police being influenced has been made by learned counsel. It is clarified that this order should not be interpreted to mean that a mandatory direction to register an F.I.R, is being made.

7. Application is disposed of in the above terms.

  
30/1/25  
JUDGE

S Ashfaq