

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Misc. Appln. No. S-616 of 2025

Applicant : Mst. Hakimzadi W/o Akram,  
Through Mr. Zakir Ali Rajper, advocate

Respondents : Through Mr. Muhammad Qasim Malak, Advocate

The State : Through Mr. Gulzar Ahmed Malano, Asst. P.G

Date of hearing : 11.12.2025  
Date of order : 11.12.2025  
Date of reasons : 12.12.2025

## **ORDER**

**KHALID HUSSAIN SHAHANI, J.—** Mst. Hakimzadi, invokes the inherent jurisdiction of this court, calling in question order dated 22<sup>nd</sup> September, 2025, passed by the learned 2<sup>nd</sup> Additional Sessions Judge/Ex-Officio Justice of Peace, Naushehro Feroze, in Cr. Misc. Appln. No.3629/2025 Re- (*Mst. Hakimzadi v. SSP Naushehro Feroze and others*), whereby the application of the present applicant for registration of an FIR was dismissed.

2. The facts of the case, as pleaded by the applicant, are that the applicant's husband owns agricultural land in Deh Cheeho, which has been the subject of a long-standing dispute with the proposed accused persons. The latter have been attempting to unlawfully occupy the said land. When the complainant party lodged their grievances before a nekmard, the proposed accused persons became further agitated and started issuing threats that they would not spare the applicant party. On 11<sup>th</sup> June 2025, the marriage ceremony of the applicant's brother, namely Adeel, was being celebrated in Village Yousif Rajper. The applicant, along with her husband Akram and three sons Muhammad Khan, Junaid, and Rasool Bux were present at the ceremony. At about 05:00 PM on that day, the proposed accused persons, namely Ghulam Rasool, Amanullah, Shabeer Ahmed, Aamir, Imran, and WHC Mehboob Siyal, along with three identifiable police personnel, all armed with weapons, arrived at the venue. Acting under the force of weapons, they forcibly kidnapped the applicant's husband Akram and her three sons. The abductors issued threats of murder,

stating that if the applicant party filed any complaint, the husband and sons would be murdered. Following this incident, the applicant informed her other sons, Zulfiqar and Adeel, of the abduction. The applicant, along with her sons, went to PS Padidan to secure the release of her husband and sons. However, WHC Mehboob Siyal demanded an illegal sum of Rs.30,000/- from the applicant and her sons Zulfiqar and Adeel for their release. As the applicant stated that she was a poor woman and could not pay the demanded amount, WHC Mehboob Siyal issued further threats that the husband and sons would be implicated in false criminal cases. Subsequently, the proposed accused Ghulam Rasool made a complaint, as a result of which the applicant's husband and sons were involved in false criminal cases. The applicant's son, Rasool Bux, was allegedly made to disappear by the police. In response to this, the applicant filed an application under Section 491 Cr.P.C for recovery of the missing person. The police thereafter produced Rasool Bux before the Court of the learned 1st Additional Sessions Judge/MCTC, Naushehro Feroze. At that time, the applicant withdrew from the said application. Subsequently, the applicant approached the respondent No.04 (SHO PS Padidan) for the registration of an FIR against the proposed accused persons, but the SHO refused to do so. Thereafter, on 16<sup>th</sup> September 2025, the applicant filed Cr. Misc. Application No.3629/2025 before the Court of the learned Sessions Judge/Justice of Peace, Naushehro Feroze, praying for directions to record her statement and register an FIR against the proposed accused persons. The said application was transferred to the Court of the learned 2nd Additional Sessions Judge/Ex-Officio Justice of Peace, Naushehro Feroze, who called for a report from the police. The respondent No.3 (DSP Complaint Cell) submitted a report in which it was falsely stated that no such incident had taken place and that the applicant had filed a false application. Based on this report, the impugned order dismissing the application was passed on 22<sup>nd</sup> September, 2025. Aggrieved by the dismissal, the applicant has approached this Court in the present application.

3. The learned counsel for the applicant submitted that impugned order dated 22<sup>nd</sup> September 2025, passed by the learned 2<sup>nd</sup> Additional Sessions Judge/Ex-Officio Justice of Peace, is based on misleading and false information provided by the police in their report. The learned Judge failed to properly appreciate the facts presented by the applicant and has acted in a hasty manner without applying his judicious mind to the matter. The applicant has clearly disclosed all the particulars of a cognizable offense, namely kidnapping, wrongful confinement, criminal intimidation, and extortion. The elements of these offenses are amply evident from the facts presented in the application and the supporting affidavits. The recording of a statement under Section 154 Cr.P.C is a mandatory obligation on the part of the police when a cognizable offense is disclosed. The respondent No.4 (SHO) has unlawfully refused to perform this statutory duty, thereby depriving the applicant of her right to seek redress through the criminal justice system. The son of the applicant, Rasool Bux, was detained in police custody for about 29 days at an unknown place. When he was produced before the Court under Section 491 Cr.P.C, he was coerced by the police to record a false statement. The police exerted pressure on him, threatening that if he did not comply, both he and his family members would be murdered or falsely implicated in criminal cases. The fact that the applicant and the proposed accused persons have counter FIRs pending against each other does not negate the applicant's right to have her statement recorded and an FIR registered if *prima facie* evidence of a cognizable offense exists. The applicant has submitted a fresh affidavit from her son Rasool Bux, retracting his previous statement given under duress and confirming the veracity of the allegations made by the applicant. This demonstrates that the previous dismissal was based on coerced and false testimony. The impugned order is perverse, unsustainable in law, and contrary to the principles of natural justice. It deprives the applicant of her statutory right to seek redress through the criminal justice system.

4. The learned counsel for the proposed accused and the learned Additional Prosecutor General submitted that both parties are close relatives

involved in a dispute over jointly owned landed property. The applicant is the sister-in-law of the accused persons, and this familial relationship suggests that the allegations may be motivated by the underlying property dispute rather than genuine criminal conduct. The respondents contended that the police report clearly indicates that no such incident took place as alleged by the applicant. The report stated that the allegations were false and that the applicant had filed the application with malicious intent. The respondents submitted that the son of the applicant, Rasool Bux, had himself appeared before the Court and categorically stated on oath that he was not kidnapped by anybody and had not been illegally detained. This statement, recorded in Court in Cr. Misc. Application No.331 of 2025, was deemed conclusive evidence that no kidnapping or unlawful confinement had occurred. The respondents argued that the element of illegal or improper detention was entirely absent from the case, as confirmed by the statement of Rasool Bux in Court. Therefore, the allegations of kidnapping and wrongful confinement could not be sustained. The respondents submitted that since both parties had already filed counter FIRs against each other (FIR No.67 and FIR No.81 of 2025 at PS Pad-Eidan), the present application appeared to be an attempt to abuse the process of law and harass the accused persons. The respondents contended that the lower court's dismissal of the application was justified, as the elements of the alleged cognizable offense were not established and there was a substantial likelihood of malice on the part of the applicant. Therefore, the lower court's order should be upheld.

5.           Heard & Perused. It is a well-established principle of law that an application under Section 22-A and 22-B Cr.P.C for directions to register an FIR is not a substitute for the ordinary remedies available to an aggrieved person, nor is it an instrument to be wielded repeatedly and indiscriminately whenever disputes turn bitter. Yet the present applicant has already lodged FIR No.67 of 2025 and FIR No.81 of 2025 at PS Pad-Eidan against the very same

proposed accused persons, arising out of the identical property dispute. The present application constitutes the applicant's third attempt to mobilize the criminal machinery against these individuals. This pattern of repeated invocation of criminal courts, coupled with the rejection of her complaints at multiple stages, provides stark testimony to the motivated and vindictive nature of her allegations.

6. From the undisputed facts emerging from the record, it is clear that all the parties involved, the applicant's family and the proposed accused, are close relations of the same caste residing in the same village, and that they are locked in a dispute concerning ancestral agricultural property and succession rights. This is a classic scenario of familial discord over landed property, a situation that has regrettably become all too common in rural areas. When such civil disputes remain unresolved through customary or civil mechanisms, they frequently transform into allegations of the most serious criminal nature, weaponized by one party against another in an attempt to inflict maximum damage. The present case bears all the hallmarks of this unfortunate phenomenon. The applicant's presents an account of her husband and three sons being forcibly kidnapped at a marriage ceremony by the proposed accused, all armed with weapons, in broad daylight, at about 05:00 PM, witnessed by numerous persons. According to her version, her son Rasool Bux was then confined at an undisclosed location for twenty-nine days, threatened, coerced, and ultimately placed under such intense duress that when produced before a Court of law, he was compelled to falsely deny his own kidnapping. The narrative is constructed with such dramatic flair as to render it almost operatic in its presentation of villainy and victimization. Yet when examined with the cold eye of legal scrutiny, this edifice crumbles. The statement given her own son Rasool Bux, in open court during the proceedings of Cr. Misc. Application No.331 of 2025. On 9<sup>th</sup> July 2025, Rasool Bux appeared before the learned 1<sup>st</sup> Additional Sessions Judge and testified under oath that he was not kidnapped

by anybody and was not subjected to any illegal detention. This statement was made in judicial proceedings, solemnly affirmed, recorded in the court's minutes, and carries the full sanctity and weight of testimony given before a judicial authority. It was not made in private or in circumstances conducive to manipulation or coercion. The young man stood before the bench and declared on oath the falsity of the very allegations which his mother now seeks to resuscitate.

7. The applicant now asks this Court to disbelieve this sworn testimony and to accept instead a belated affidavit, submitted nearly ten months later, in which Rasool Bux claims that his earlier statement was obtained through coercion and threats. This dramatic reversal of position raises serious questions. If indeed such severe coercion had been applied, if indeed threats of death and false criminal implication had been leveled against him, why did he not disclose this to the learned Judge at the time of his examination in open court? The opportunity to speak truthfully and to reveal the alleged coercion was abundantly available to him. His counsel could have raised it. He could have requested the Court's intervention. He could have requested protection. Yet he remained silent. His failure to disclose the alleged coercion at the critical moment when he was examined before the Court stands as powerful testimony to the falsity of the present retraction. The timing of this retraction, appearing only when the applicant's case has been rejected multiple times, strongly suggests not a genuine correction of the record but rather a desperate attempt to resuscitate a failing narrative. Such opportunistic amendment of evidence cannot command credence.

8. Coupled with the above facts, police report submitted by the respondent No.3 (DSP Complaint Cell) deserves serious consideration and respect. The DSP has conducted an inquiry, examined the circumstances, and reported that the parties are close relatives involved in a property dispute, that they have lodged counter FIRs against each other, and that no credible evidence

of the alleged kidnapping and unlawful confinement has been forthcoming. The applicant dismisses this report as biased, but this dismissal is itself biased. The DSP's findings are not those of a casual or indifferent officer. They represent the reasoned judgment of an experienced investigating officer who has applied his mind to the facts and circumstances. The applicant's mere assertion that the report is false does not overturn the weight of the DSP's findings. It must be noted that the applicant has been highly selective in presenting her case. She emphasizes facts that support her narrative and conveniently omits facts that undermine it. Notably, she has largely glossed over the existence of FIR No. 67 and FIR No.81 of 2025, lodged by her family against the proposed accused. These are not peripheral facts; they are central to understanding the true dynamics of the dispute. When both sides lodge FIRs against each other for overlapping or similar offenses, a court must be vigilant to the reality that allegations may be exaggerated, that malice operates on both sides, and that criminal machinery is being abused for purposes of harassment rather than the advancement of justice. The present case is precisely this type of situation. Both the applicant and the proposed accused have invoked the criminal law against each other. To prefer one set of allegations over the other, without clear and convincing evidence, would be to tilt the scales of justice in favor of the side that files its complaint first or most frequently.

9. The allegation of extortion is particularly troubling in its internal inconsistencies. The applicant claims that WHC Mehboob Siyal demanded Rs.30,000/- for the release of her husband and sons. Yet she filed no contemporaneous complaint of extortion at that time. No written report was submitted. No formal complaint to higher police authorities was lodged. Instead, she waited several months and then approached the lower court. This delay itself speaks volumes. Genuine victims of extortion typically report such crimes immediately. Moreover, the applicant's own affidavit acknowledges that after she declined to pay the demanded amount, her family members were

released. In a genuine case of extortion, the perpetrator would persist in his demands until the money was paid, or would inflict severe consequences upon the refusal to pay. Here, no payment was made, and yet the alleged victims were released unharmed. This pattern does not align with any known modus operandi of extortion and strongly suggests that what the applicant characterizes as extortion was merely a contentious demand made in the heat of the moment, which she refused and which had no consequences.

10. The applicant's frivolous and repeated invocation of the criminal justice system is a cause for concern. She has approached multiple forums, the police, the lower court, and now this Court seeking a different result each time her complaint was rejected. This is not the behavior of a genuine victim seeking redress through proper channels. It is the behavior of a person determined to make accusations stick regardless of their veracity, and determined to inflict harassment upon the accused. Such abuse of the criminal justice system brings the entire mechanism of law into disrepute. Furthermore, the applicant's approach to the evaluation of evidence is fundamentally dishonest. She seeks to invoke the testimony of her family members when it supports her case (the affidavit of Rasool Bux recanting his earlier statement) but dismisses that same testimony as coerced and unreliable when it contradicts her case (the statement of Rasool Bux in open court denying kidnapping). This opportunistic and selective acceptance of evidence based on whether it advances her case is a hallmark of motivated litigation. Either the family members are reliable witnesses or they are not. The applicant cannot maintain the position that they are reliable when they support her and unreliable when they do not. This internal inconsistency alone is fatal to the credibility of the applicant's complaint.

11. The learned Ex-Officio Justice of Peace has correctly identified and articulated the underlying malice that drives this application. The learned court noted that the parties are close relatives with a property dispute, that counter FIRs exist, that Rasool Bux himself has denied the allegations before the Court,



and that no credible evidence of the alleged crimes has surfaced despite the passage of considerable time. These findings are not perverse or unreasoned. They are grounded squarely in the facts and circumstances of the case. The learned court's exercise of judicial discretion in declining to direct the registration of an FIR is entirely consistent with established jurisprudence on this subject. While it is true that the registration of an FIR should not be lightly refused when facts disclosing a cognizable offense are made out, this principle operates in the realm of genuine complaints made in good faith and based on facts which are credible and substantiable. The present application falls far short of this threshold. The applicant's case is characterized by contradiction, exaggeration, malice, and abuse of process. The principal alleged victim has denied the allegations on oath. The police, after investigation, have found no evidence of the crimes alleged. The learned court has carefully considered the matter and declined the application. The applicant's repeated attempts to resurrect the same allegations through different forums, each time embellishing the narrative, suggest a determined effort to harass the proposed accused through false accusations rather than a genuine pursuit of justice.

12. For the foregoing reasons, this Court finds no merit in the present application. The learned lower court's order dated 22<sup>nd</sup> September 2025, dismissing the application of the petitioner, *is based on a careful and judicious consideration of the facts and law applicable to the case*. The learned court has correctly identified the *malicious motivation* behind the complaint and has rightly declined to direct the registration of an FIR. Accordingly, this Court dismisses the present Cr. Misc. Application and upholds the impugned order dated 22<sup>nd</sup> September 2025 passed by the learned 2<sup>nd</sup> Additional Sessions Judge/Ex-Officio Justice of Peace, Naushehro Feroze in Cr. Misc. Application No. 3629/2025. Office to facsimiles the copies accordingly. These are detailed reasons for short order dated 11.12.2025.

**J U D G E**