

## IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No. S – 362 of 2025.  
(Sajjad Ali vs. P.O Sindh and others)

For hearing of main case.

**20.02.2026.**

Mr. Allah Wassayo Ujjan, Advocate for Petitioner.  
Mr. Shahryar Imdad Awan, Assistant Advocate General.  
Mr. Gulzar Ali Malano, Assistant Prosecutor General,  
along with Inspector Rajib Ali Malik, SIP Dildar Ali and SI  
Mukhtiar Ali

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### **ORDER**

**Ali Haider 'Ada' J.:** Through this petition, the petitioner seeks protection and also prays that the public functionaries may be directed not to harass him. Before this petition, the Petitioner approached the Additional Sessions Judge Moro/Ex-Officio Justice of Peace by filing an application under Section 22-A(6)(iii) Cr.P.C., wherein his application for protection and relief from harassment was dismissed by the Ex-Officio Justice of Peace vide order dated 10.12.2025.

2. The crux of the petition is that the petitioner contends that the official respondents, under the influence of private parties, were causing him harassment in the context of a civil dispute, in which the police has no jurisdiction to intervene. Accordingly, he moved an application before the Justice of Peace seeking protection. However, the Ex-Officio Justice of Peace, after calling for a report and examining the facts and merits of the case, passed the impugned order, which is now challenged through this petition.

3. Learned counsel for the petitioner submits that despite the legal framework, the petitioner approached the Justice of Peace for protection, but the application was dismissed without due consideration of his legal rights. He, therefore,

seeks this Court's intervention to set aside the impugned order and provide protection against the highhandedness of the official functionaries.

4. On the other hand, Mr. Yameen Ali Khoso, advocate, filed Vakalatnama on behalf of Respondents No.10 to 12, submitting that the matter involves inheritance property. However, as far as protection is concerned, he raises no objection and states that no harassment has been caused by the private respondents.

5. Learned Assistant Advocate General and Assistant Prosecutor General are of the view that protection, being a right, should be provided to the petitioner.

6. Heard and perused.

7. First and foremost, this Court has, in a number of judgments, consistently held that constitutional petitions are not maintainable where an alternate and efficacious remedy is available. In the present case, the petitioner approached the Justice of Peace; however, the Justice of Peace, after examining the relevant facts, dismissed the entire application, including the prayer clause seeking protection under Section 22-A(6)(iii) Cr.P.C. In this context, it is pertinent to consider the scope of the powers of the Justice of Peace under Section 22-A(6)(iii) Cr.P.C., particularly regarding directing the police to provide protection. For ready reference, the provision is reproduced below:

**22-A(6)(iii) Cr.P.C.**- *An ex officio justice of the Peace may issue appropriate directions to the police authorities concerned on a complaint regarding;*

*(iii) neglect, failure, or excess committed by a police authority in relation to its functions and duties.*

8. It has been observed that the Justice of Peace has three primary functions under law: first, to issue directions to record cognizable offences; second, to transfer matters or investigations from one place to another as prescribed in the

Police Rules; and third, to curb excesses committed by functionaries in the performance of their duties. In the present matter, however, the Justice of Peace passed the impugned order without considering the true scope of Section 22-A(6)(iii) Cr.P.C.

9. Under Section 22-A, Cr.P.C., the Justice of Peace is not required to scrutinize the merits of a case or conduct a detailed inquiry. The Justice of Peace cannot assume the functions of an investigating officer or prosecutor, but is empowered to redress grievances where police officials committed excess. Minute examination and fact-finding are not part of the Justice of Peace's function; his duty is to address grievances arising from police refusal to act. Reliance is placed on the case of **Syed Qamber Ali Shah v. Province of Sindh and others, 2024 SCMR 1123**, as it was held that:

*6. Heard the arguments. Under section 22-A, Cr.P.C, it is not the function of the Justice of Peace to punctiliously or assiduously scrutinize the case or to render any findings on merits but he has to ensure whether, from the facts narrated in the application, any cognizable case is made out or not; and if yes, then he can obviously issue directions that the statement of the complainant be recorded under Section 154. Such powers of the Justice of Peace are limited to aid and assist in the administration of the criminal justice system. He has no right to assume the role of an investigating agency or a prosecutor but has been conferred with a role of vigilance to redress the grievance of those complainants who have been refused by the police officials to register their reports. If the Justice of Peace will assume and undertake a full-fledged investigation and enquiry before the registration of FIR, then every person will have to first approach the Justice of Peace for scrutiny of his complaint and only after clearance, his FIR will be registered, which is beyond the comprehension, prudence, and intention of the legislature. Minute examination of a case and conducting a fact-finding exercise is not included in the functions of a Justice of Peace but he is saddled with a sense of duty to redress the grievance of the complainant who is aggrieved by refusal of a Police Officer to register his report. The offences have been categorized by the Cr.P.C. into two classes i.e., cognizable and non-cognizable. Section 154 of the Cr.P.C. lays down a procedure for conveying*

*information to an S.H.O. with respect to the commission of a cognizable offence, while the provisions of Section 155(1) of the Cr.P.C. articulates the procedure vis-à-vis a non-cognizable offence.*

10. Article 4 of the Constitution of the Islamic Republic of Pakistan, 1973, clearly provides that no detrimental action shall be taken against any citizen except in accordance with law. Similarly, Article 9 safeguards the life and liberty of every person under all circumstances. The principle has been upheld in the case of **Abdul Hameed v. Province of Sindh and others (PLD 2019 Sindh 168)**, and was further affirmed by this Court, Circuit Larkana, in **C.P. No. S-482/2025, Re: Manzoor Ali v. Province of Sindh and others**, where it was reiterated that the protection of litigants and prevention of harassment fall within the domain of the Justice of Peace. In the present matter, the Justice of Peace, without ascertaining the relevant facts, passed the impugned order, which is contrary to law and the precedents cited above. Accordingly, the impugned order passed by the Justice of the Peace is hereby set aside.

It is further directed that the police functionaries shall provide protection to the petitioner and refrain from causing any harassment, in accordance with the Constitution.

In view of the above, this petition stands allowed in the terms indicated herein.

**JUDGE**