

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Present: Justice Jawad Akbar Sarwana

Crl. Misc. Application No.S-541 of 2025

Applicant : Tarique Ahmed s/o Muhammad Sulleman,
through Mr. Ayaz Khaskheli, Advocate

Respondent No.1 : The Senior Superintendent of Police, Complaint Cell
Badin

Respondent No.2 : Deputy Superintendent of Police, Badin

Respondent No.3 : SHO, P.S. Badin

Respondent No.4 : The State, through Mr. Irfan Ali Talpur, Deputy
Prosecutor General, Sindh along with Inspector
Mehmood on behalf of S.S.P. Badin

Respondent Nos. 5 to 23 : Proposed accused 1 to 19 through Mr. Ahsan Gul
Dahri, Advocate

Date of hearing : **16.12.2025**

Date of Short Order : **02.01.2026.**

ORDER

JAWAD AKBAR SARWANA, J.: The applicant/complainant, Tarique Ahmed, is aggrieved by the order dated 29.07.2025, passed by the Ex-Officio Justice of Peace/1st Addl. Sessions Judge, Badin, dismissing the complaint filed by him against the proposed accused concerning an alleged incident of 02.06.2025 involving offences allegedly committed by Group "A" against "B". When the applicant/complainant, a member of Group "B", filed with the S.S.P., a complaint dated 04.06.2025 against members of Group "A"/proposed accused/respondents, concerning the alleged incident of 02.06.2025, but the applicant/complainant received no response. Resultantly, he filed the application/complaint with the Ex-Officio Justice of Peace. During the course of the proceedings before the Ex-Officio Justice of Peace, the S.S.P. In-charge Complaint Redressal Cell, Badin, concluded that the members of Group "A" were conducting a peaceful protest and

returned to the village, peacefully, and such facts could be seen in the CCTV footage at the Press Club, Badin. While the applicant/complainant relied on newspaper clippings in support of his contention, reporting the incident of 02.06.2025, the Ex-Officio Justice of Peace found no sufficient grounds to issue directions to the police to register an FIR and/or even record the statement of the applicant/complainant.

2. Counsel for the respondents/proposed accused has contended that the impugned Order is in accordance with law and no cognizable offence is made out. Counsel argued that there was enmity between the two Groups, i.e. Groups "A" and "B", and the events of 02.06.2025 were concocted. In support of his contention, he relied on the Supreme Court's judgment reported in *Munawar Alam Khan v. Qurban Ali Mallano*, 2024 SCMR 985.

3. Heard Counsel and perused the record. The applicant/complainant had filed an application under Section 22-A, B and 6(III) Cr.P.C. The threshold for consideration of the application at this stage was simply whether there was any information to make out a cognizable offence, which could mandate issuing directions to the Police Official to record the statement of the applicant/complainant under Section 154 Cr.P.C. Surprisingly, the newspaper pictures, photographs, and stories concerning the incident of 02.06.2025 were deemed "no information". On my part, I cannot imagine, based on what has been reported, including what is shown in photographs, that this is not a case of where there is smoke, there is fire. It was also surprising to read the S.S.P. report that there was no CCTV footage of the alleged incident inside and outside the Press Club, Badin. One would imagine that a press club, of all places, would be well-monitored, with lots of cameras, and that footage of the incident may still be available for follow-up, which remains to be seen. It is not the business of this Court to get involved in such exercise. I find that, at the most

tentative level and looking in from afar, the facts and circumstances of the case reveal information that prompts police officials to record the applicant/complainant's statement and, based on that information, to pursue the matter further as deemed fit.

4. I find also that the case in hand meets the minimum threshold for deciding instances to issue directions under 22-A and B, as discussed by the Supreme Court of Pakistan in the case of Syed Qamber Ali Shah v. the Province of Sindh and Others, 2024 SCMR 1123. There is *prima facie* no malice on the part of the applicant/accused. The mere recording of a statement cannot be equated with compulsorily leading up to the registration of an FIR. This escalation, from statement to FIR, rests with the Police Officials.

5. Given the above, the impugned Order dated 29.07.2025 is set aside. The applicant/complainant is directed to approach the concerned police station for recording his statement. After recording his statement, if the police officer concludes that a cognizable offence has been made out, the case should be registered against the wrongdoer and the matter should be proceeded with as per law. Additionally, if the statement turns out to be false, the police authorities will be at liberty to take appropriate action.

6. The above msic appl is allowed in the above terms.

JUDGE

Tufail