

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD.**

**Cr. Miscellaneous Application No.S-801 of 2025**

**Applicant** : Liaquat Ali s/o Wali Muhammad through Mr. Mukhtiar Ali Rind, advocate.

**Respondent No.1** : Jan Muhammad alias Ghaffar s/o Abdul Jabbar Bhatti, through Mr. Arif Ali Bhatti, advocate.

**Respondents No.2 to 5** : Through Ms. Rameshan Oad, Assistant Prosecutor General, Sindh.

**Date of hearing** : 05.01.2026  
**Date of order** : 05.01.2026

**O R D E R**

**TASNEEM SULTANA, J.-** Through this Criminal Miscellaneous Application, the applicant has called in question the order dated 19-11-2025 passed by the learned Ex-Officio Justice of Peace-III, Shaheed Benazirabad, whereby the SHO was directed to record the statement of respondent No.1 and proceed in accordance with law.

2. Briefly stated, the grievance of the applicant is that the impugned order has been passed mechanically, without proper application of judicial mind, on disputed and highly controversial facts relating to alleged divorce, alleged second marriage and alleged commission of cognizable offences, which issues, according to the applicant, could not lawfully be resolved in proceedings under section 22-A(6)(i), Cr.P.C.

3. It is contended that the learned Justice of Peace exceeded the jurisdiction vested in him by directing initiation of criminal process on the basis of allegations which require detailed inquiry and adjudication by a competent forum. It is further contended that the impugned order has been obtained by suppression of material facts and by presenting a one-sided version of the dispute.

4. Conversely, learned counsel for the respondent supported the impugned order and contended that *prima facie* cognizable offences were disclosed, therefore, the learned Justice of Peace rightly exercised jurisdiction.

5. Heard. Record perused.

6. The jurisdiction of a Justice of Peace under section 22-A(6)(i), Cr.P.C. is supervisory in nature and circumscribed by well-defined parameters. The said

provision is intended to ensure performance of statutory duties by the police and does not contemplate determination of disputed questions of fact, examination of the validity or authenticity of documents, or resolution of matters which require recording and appreciation of evidence. Issues involving questions such as the validity of divorce, legality of a subsequent marriage, or authenticity of documents ordinarily fall outside the scope of proceedings under section 22-A(6)(i), Cr.P.C.

7. In the present case, a bare perusal of the material placed on record reflects that the dispute between the parties revolves around competing claims regarding divorce, second marriage, and alleged fabrication of documents. These are matters which cannot be conclusively determined without a proper inquiry by the competent forum in accordance with law. The learned Justice of Peace, instead of confining himself to the parameters laid down for exercise of jurisdiction under section 22-A(6)(i), Cr.P.C., has ventured into an area requiring adjudication of disputed facts, which is not permissible.

8. Furthermore, the record also reflects that the parties had already approached the High Court in constitutional jurisdiction and directions regarding protection were issued, while leaving the parties at liberty to avail appropriate remedies in accordance with law. In such circumstances, the learned Justice of Peace was required to exercise greater restraint and caution before passing the impugned direction.

9. In view of the above discussion, the impugned order dated 19-11-2025 cannot sustain and is hereby set aside. The parties, however, shall remain at liberty to avail such remedy as may be available to them before the competent forum in accordance with law.

10. Before parting, it is clarified that the observations made herein are tentative in nature and shall not prejudice the case of either party before any competent forum.

11. The application is disposed of in the above terms.

## **J U D G E**

Irfan Ali