

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Misc. Application No.S-380 of 2026

Date	Order with signature of Judge
------	-------------------------------

1. For orders on office objections
2. For hearing of main case.

15.07.2026

Mr. Alam Sher Bozdar, Advocate along with Applicant
Mr. Imran Mobeen Khan, APG along with Inspector/ SHO Zulfiqar of
P.S. Dad Leghari

Jawad Akbar Sarwana, J: Mst. Darshan d/o Sukhoo Ji by caste Menghwar is aggrieved by the order dated 19.05.2026, passed by learned Additional Sessions Judge/ Ex-Officio Justice of Peace, Daharki, in Criminal Misc. Application No.276 of 2026, who after hearing the parties as well as obtaining reports from DSP Complaint Redressal Center and SHO P.S. Dad Leghari dismissed the application filed by the Applicant Darshana against the proposed accused/ Respondents.

2. Pursuant to Court's Notice, Respondents No.6 & 9 are present and sought time to engage Counsel.

3. Counsel for the Applicant has relied upon the case of Syed Qambar Ali Shah vs. Province of Sindh and others (2024 SCMR 1123) and contends that when the information was available to make out a case for recording of statement in the facts and circumstances of the case, the Court ought to have proceeded with issuing direction to record the statement of the applicant.

4. The learned Additional Prosecutor General has drawn the attention of this Court to the reports relied upon by learned Ex-Officio Justice of Peace wherein the police authorities have found that no incident as alleged by the applicant took place on 27.04.2026.

5. Heard learned Counsel for the Applicant as well as learned APG and perused the record.

6. The impugned order dated 19.05.2026 setting out the background of the dispute shows continuing enmity between the parties going as far back from the year, 2018 and onwards as well as

up-to date. Similarly, these disputes concern civil matters and civil litigation is also in ensuing between them.

7. Learned Counsel for the Applicant has submitted that there is alleged house trespass, maltreatment involving kicks and fists blows as well as alleged theft of cash, cell phone and jewelry by the proposed accused. To this end, the Ex-Officio Justice of Peace conducted review of facts as alleged in the memo in light of the judgment of Supreme Court in Munwar Alam Khan vs. Qurban Ali Malano and others (2024 SCMR 985) and found the allegations raised did not trigger Section 22-A (vi)(i) Cr.P.C. In this regard, he observed that apart from the civil dispute the information concerning the alleged crime that the *“proposed accused persons have attacked upon her and her brother and mother, but no medical certificate/ prescription has been produced by her in support of her claim, while in respect of mobile phone and golden ornaments no receipt has been produced on record in support of her version”*. Thus, the ex-Officio Justice of Peace concluded no case was made out for recording of statement.

8. I am at idem with the above observations made by Ex-Officio Justice of Peace, and during the course of arguments, additionally queried the Counsel concerning the delay between the date of incident of 27.04.2026 and the applicant approaching the Ex-officio Justice of Peace, almost one week later, given the context of the allegations raised by her. It does not appeal to reason that the alleged victim took no action to safeguard her interests given the gravity of the allegations and simply waited for almost a week before moving an application before Ex-Officio Justice of Peace. During this period, on one hand, she did not approach the police authorities and on the other hand did not even bother to submit any police complaint in writing; yet, during this same period she engaged counsel for filing the application before Ex-Officio Justice of Peace but the Counsel also did not submit any complaint with the police to show bonafide before filing Cr. Misc. Application before the Ex-Officio Justice of Peace. Further no one made a video recording, too, of the alleged incident.

9. In the circumstances, counsel for the Applicant is unable to point out any record available that supports his averments that the

applicant had positively reached out to the police authorities and in a timely manner too. There is simply no information available on record of the crime alleged.

10. Given the above, I do not find any reason to interfere in the impugned order passed by Ex-Officio Justice of Peace, which is well-reasoned and also for the supplemented reasons hereinabove the impugned order, does not merit any disturbance. Consequently, this Cr. Misc. Application stands dismissed in the terms indicated above.

JUDGE

Faisal Mumtaz/PS