

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Cr. Misc. Appln. No.S-208 of 2026.

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objection.
- 2. For hearing of Main Case.

M/s Shahzado Sodhar and Muhammad Murad Tunio, advocates for the applicants.
Mr. Nazeer Ahmed Bhangwar, DPG.

Date of hearing & Order : 13.07.2026.

ORDER

Jawad Akbar Sarwana, J.- Mst. Sumaira (applicant No.1), her father Majeed Lashari *alias* Abdul Majeed, (applicant No.2) and allegedly her first husband Hameed Lashari *alias* Juman (applicant No.3), are jointly aggrieved by the order dated 24.06.2026 passed by Additional Sessions Judge-II/Ex-Officio Justice of Peace, Dadu in Cr. Misc. Application No.1367/2026.

2. The brief background of this matter for the purpose of determining whether or not the impugned order passed by the Ex-Officio Justice of Peace is within the framework of Section 22-A & B, Cr.P.C., and/or requires any intervention by this bench, is apparently that Sumaira and Abdul Razak allegedly contracted free-will marriage dated 28.04.2025, which as per the information available and submissions of Counsel was executed at Kotri. Hence, thereafter, it was the Sessions Court at Kotri in Cr. Misc. Application No.1120/2025, which passed the order dated 30.08.2025 awarding Sumaira police protection. Although the said cr. misc. The application was jointly filed by Sumaira and Abdul Razak, yet no documentary evidence is available before this bench to show that the said application had Sumaira's consent. Be that as it may, police protection was accordingly awarded to her. Thereafter, it transpires that on 27.11.2026 another Cr. Misc. Application No.413/2025 was allegedly filed by the mother of Sumaira, which, for reasons not clear, was

withdrawn on 03.12.2025. A day before the passing of the withdrawal order, i.e. on 02.12.2025, Sumaira filed Cr. Misc. Application No.2987/2025 alleging that Abdul Razak had committed zina and she was pregnant with his child. Counsel claim they do not know the final status of this cr. misc. application. Be that as it may, the record shows that about six months later, on 17.06.2026, Abdul Razak filed Cr. Misc. Application No.1364/2026 claiming that his child from Sumaira had been allegedly aborted/murdered by Sumaira now. However, as mentioned above, Sumaira alleges that she is/was allegedly abducted/kidnapped/raped by Abdul Razzak and insists that she (also present in Court today) still insists that she continues to remain married to one Abdul Hameed Lashari.

3. I have heard Counsel and learned DPG and gone through the information available on record, including the orders and application mentioned above, which have been taken on record. As per the judgment of the Supreme Court in Syed Qamber Ali Shah Vs. Province of Sindh and Others, 2024 SCMR 1123, it is not the prerogative of the Ex-Officio Justice of Peace to dive deep into criminal matters while exercising powers under Section 22-A & B, Cr.P.C. However, as per law, any person who has information of an alleged offence having been committed, whether it is relating to abduction/kidnapping, anti-rape, *Isqat-i-Hamal*, *attempt to murder*, *murder*, etc., is entitled under the law to provide such information to the police alleging a crime has been committed. Once such information is provided to the police officer to determine whether an offence is revealed and if an offence is revealed, then whether it is cognizable or non-cognizable offence, the Criminal Procedure Code and the Police Rules provide ample guidance to the police officer to proceed in either situation, as well as the situation where false information has been provided. The police officer shall apply his own mind and act in accordance with the law.

4. In the circumstances, the impugned order does not require interference, as the material aspect, which is to record the statement of the applicant, in my view, has been rightly ordered in the facts and circumstances of the case. However, given the arguments submitted

before me today, this order is supplemented with the additional direction to the police official to also simultaneously record the statement of Sumaira, and such statements (both Abdul Razzak and Sumaira's statements) to be recorded by the police officer, who shall apply his own mind and act in accordance with law.

5. It is hoped and expected that the police authorities shall behave in a neutral, polite and professional manner and shall not arrest any person without the availability of any evidence of his/her culpability.

6. The police authorities shall ensure that the Supreme Court's ruling in the *Sughra Bibi* case is followed in letter and spirit and that if the police come to a conclusion that there is a cognizable offence which has been revealed, they should not hurry and arrest people till they have some evidence to support the allegations.

7. None of the observations made by me to decide this cr. misc. appln. shall be relied upon by any of the parties or the Court or police authorities.

8. Given the above, this criminal miscellaneous application is disposed of in the above terms.

JUDGE

Qazi Tahir PA/*