

Criminal Misc. Application No. S-176 of 2026

DATE	ORDER WITH SIGNATURE(S) OF JUDGE(S)
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1. For orders on office objection.
2. For hearing of Main Case.
3. For hearing of M.A No.2551/2026.

23.07.2026

Mr. Muhammad Afzal Jagirani, Advocate for the Applicant.
Mr. Sardar Ali Solangi, Deputy Prosecutor General, Sindh.
M/s. Saddam Hussain Kalhoro & Mohram Ali Junejo, Advocates for Respondent No.1.

O R D E R

JAWAD AKBAR SARWANA, J: - This application has challenged the order dated 01.06.2026 passed by the Ex-Officio Justice of Peace-III at Larkana, in Criminal Miscellaneous Application No. 803 of 2026, filed by the respondent/complainant-Mst. Naseeba Khatoon against the six (6) proposed-accused-applicants.

2. Learned counsel for the six (6) proposed accused-applicants is aggrieved by the order of the learned Ex-Officio Justice of Peace. He has argued that the remarks made in the impugned Order dated 01.06.2026 that "this matter requires proper investigation and that can only be made after registration of case/FIR" are colourable and likely to influence the police officer; notwithstanding that such remarks are beyond the powers of the Ex-Officio Justice of Peace. He contends that based on the material available on record, no cognizable case is/was made out, there is a history of false complaints filed in the past by the complainant/respondent, and in the circumstances the complaint filed by the respondent/complainant against the proposed accused ought to have been dismissed by the Ex-Officio Justice of Peace.

3. Learned counsel for the complainant/respondent-Mst.Naseeba Khatoon vehemently opposes the arguments and relies on the observations made by the Ex-Officio Justice of Peace in paragraph 6 of the impugned Order, which includes the above-mentioned underlined remarks.

4. Learned Deputy P.G, Sindh supports the impugned order.

5. I have heard learned counsel for the parties and learned Deputy P.G, Sindh and find that while it may be arguable that the underlined remarks made by the Ex-Officio Justice of Peace may be deemed to be suggestive; yet, when read in the context of the impugned Order, holistically, appear to be

neither conclusive nor final, and are more in the nature of a non-binding tentative assessment consistent with the principles laid down when considering complaints under Sections 22-A & 22-B Cr.P.C. by the Honorable Supreme Court in the case of Syed Qamar Ali Shah versus Province of Sindh and Others, 2024 SCMR 1123.

6. I have gone through the impugned order dated 01.06.2026 and note that the information placed on record by the complainant/respondent, in the facts and circumstances of the case, including but limited to those recorded in the impugned Order, including, inter alia, the contents of paragraph 6, triggers the provisions of Sections 22-A & 22-B Cr.P.C. However, whether information of an offence has been committed or not, the provisions of the Cr.P.C. and the Police Rules entitle the complainant/respondent to present such information to the concerned police station. Once such information is provided, it is up to the police officer to determine whether any offence is revealed, and if an offence is revealed, whether it is cognizable or a non-cognizable offence. The Criminal Procedure Code and Police Rules provide ample guidance to police officers to proceed in either situation, as well as the situation where false information has been provided. The police officer shall apply his mind and act in accordance with law.

7. In the instant case, the remarks made by the Ex-Officio Justice of Peace in the impugned order dated 01.06.2026 that "this matter requires proper investigation and that can only be made after registration of case/FIR" may not be relied upon by the police officer at the time of recording of statement of the complainant/respondent-Mst. Naseeba Khatoon. The police officer, exercising his mind, and on its own merits, shall record the statement of the complainant/respondent either in the book of 154 or 155 Cr.P.C.

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

8. The Criminal Misc. Application stands dismissed in the above terms.

JUDGE

Zulfiqar