

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Criminal Miscellaneous Application No.S- 854 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objection.
- 2. For hearing of main case.

21.05.2026.

Mr. Wajid Ali Nindwani, Advocate for applicant.
Mr. Hameedullah Dahri, Advocate for proposed accused.
Ms. Sana Memon, A.P.G for State.
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As per the Counsel of the applicant, the principal ground for rejection of the Criminal Miscellaneous Application before the learned Ex-Officio Justice of Peace-III, Shaheed Benazirabad, is/was that he (the Ex-Officio Justice of Peace) examined the complainant’s allegations as “an administrative” and “professional” dispute between two teachers and measured the incident alleged based on his (the Ex-Justice of Peace) own perception of what he described as the complainant/applicant’s complaint to be “disrespect[ing] the noble profession of teaching”. The applicant Counsel argued that given the nature of the incident, described by the Ex-Officio Justice of Peace as “a grave allegation” of alleged “sexual abuse” involving the complainant’s own daughter/student during school hours, the Ex-Officio Justice of Peace could not step into the shoes of the investigator and find there was no case. Hence, this application challenges the impugned Order dated 21.11.2025.

Heard Counsel and perused the record, in the context of the allegations raised by the applicant/complainant. As per law, any person who has information of an offence having been committed is entitled under the law to provide such information to the Police Station. Once such information is provided, it is up to the police officer to determine whether any offence is

revealed and, if so, whether it is cognizable or non-cognizable. The Criminal Procedure Code and Police Rules provide ample guidance to police officers on how to proceed in either situation, including when false information has been provided. The police official shall apply his own mind and act in accordance with the law. Even as per the observations of the Supreme Court, merely recording a complainant's statement by the police authorities does not mean that it will lead to the registration of an FIR against the proposed accused.

In view of the above observations, the impugned order dated 21.11.2025 is set aside. The police authorities are directed to record the statement of the complainant/applicant, as deemed appropriate, within two weeks (14 days) from today, with the police official's actions guided by his independent application of mind, including, inter alia, taking appropriate action if false information has been provided. However, no arrest shall be made unless tangible evidence is collected. For clarification, none of the observations made herein concerning the case will influence the police authorities. The Additional Prosecutor General shall communicate the aforesaid timeline to the concerned SHO.

This Criminal Miscellaneous Application stands disposed of in the above terms.

JUDGE

Tufail