

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Miscellaneous Application No.S-473 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For orders on urgent application.
For orders on office objections.
For orders on exemption application.
For hearing of main case.
For orders on stay application.

05-08-2026

Mr. Zubair, advocate for the applicant.

The applicant/proposed accused, Kashif, is aggrieved by the order dated 03.08.2026 passed by the learned 2nd Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad.

Learned counsel for the applicant contends that the applicant is a student and is innocent; that the alleged incident occurred at random and that the complaint is mala fide.

Heard counsel and perused the record. From the material available on record, it appears that the alleged injured person contended before the learned Ex-Officio Justice of Peace that he had sustained a knife blow on his right arm. Such allegation was tentatively attended by medical treatment and the final Medico-Legal Certificate (MLC) was stated to be under process.

I have gone through the impugned order dated 03.08.2026 and based on information available on record primarily, learned counsel for the applicant apprehends that an FIR may be registered against the applicant. However, in my considered view, such apprehension appears to be misconceived in light of the judgment of the Honourable Supreme Court of Pakistan in “Syed Qamber Ali Shah v. Province of Sindh and others” (2024 SCMR 1123), particularly paragraph No. 7, wherein it has been observed that the mere recording of a statement does not amount to the registration of an FIR. The Cr.P.C. and the Police Rules provide ample guidance to the police authorities for determining whether the information discloses the commission of an offence and, if so, whether such offence is cognizable or non-cognizable. The police officer concerned is required to proceed in accordance with law in either situation, including where the information is found to be false. The present case is no different. In the circumstances, based on documents available on record, and referred by the Ex-

Officio Justice of Peace in paragraphs 5 to 7 of the impugned order, the contours of Section 22-A & B CrPC appears to have been triggered. I do not find any reason to interfere in the impugned order. The concerned SHO shall independently apply his mind and proceed strictly in accordance with law. It is expected that the SHO shall conduct the process in a fair, neutral, professional, and competent manner and shall not arrest any person without availability of any evidence of his culpability.

Consequently, the instant Criminal Miscellaneous Application, along with the listed applications, stands dismissed in the above terms.

J U D G E

Irfan Ali