

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Misc Application No.S-476 of 2026.

<i>DATE</i>	<i>ORDER WITH SIGNATURE OF JUDGE</i>
	For orders on M.A No.6490/26. For orders on office objections. For orders on M.A No.6491/26. For hearing of main case. For orders on M.A No.6492/26.

05.08.2026.

Mr. Jamil Ahmed Khanzada, Advocate for Applicant.

Although this is a fresh matter and is fixed before the Court for the first time; however, the record shows that previously the Respondent No.3 / complainant (Muhammad Salman) in the first round had filed a complaint before the Ex-Officio Justice of Peace, Hyderabad which was allowed; however, this (High) Court remanded the matter to the Ex-Officio Justice of Peace as the orders were passed without calling report from the concerned SHO as well as without providing an opportunity of hearing to the concerned parties. This second round concerns the subsequent impugned order dated 30.07.2026 passed by the Ex-Officio Justice of Peace, Hyderabad in the same Cr. Misc Application. In this second round, the Ex-Officio Justice of Peace decided the matter after hearing the parties and calling for the report from the SHO PS City, Hyderabad, and thereafter, once again, the Respondent / complainant's application was allowed with orders for recording of statement.

The learned counsel for the applicant / proposed accused No.2 (Muhammad Rafique s/o Muhammad Shafique) has contended that this is a purely civil matter given color of a crime malafidely by the complainant. He submits that report submitted by the SHO PS City, Hyderabad also supports his contention.

I have gone through the impugned order dated 30.07.2026; however, 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. In this

present case, the allegation raised by the proposed accused involves proposed accused No.5 & 6 who are police officials and they were posted in PS Cantt at the material time. Be that as it may, as found in paragraph No.9 of the impugned order the complainant placed information before the Ex-Officio Justice of Peace, which in my tentative view, rightly triggered the provisions of Sections 22-A and 22-B Cr.P.C. With regard to the applicant's contention that this is a civil dispute, the chronology of the alleged crime as made out from its initial stages as set up by the Respondent No.3 / complainant as per available record constitutes information, which needs consideration by the police by way of recording of statement and not the Court. As articulated in several reports Judgments of the Supreme Court, the powers vested by Ex-Officio Justice of Peace are limited and deep dive into the facts and circumstances are to be avoided by the Ex-Officio Justice of Peace.

Since the allegations leveled by the complainant are against (serving) police officials, and PS City and PS Cantt, Hyderabad have already made certain observations which are available on record, the SP Headquarter is directed to nominate competent police officer of DSP rank who does not have any conflict with the two PS mentioned above to record statement of the Respondent / complainant. Once such information is provided to the nominated police officer to determine whether any offence is revealed, whether it is cognizable or non-cognizable offence, the matter will remain the prerogative of the concerned officer, based on the criminal procedure code and Police Rules which provide ample guidance to police officers, to deal with either situation of cognizable / non-cognizable offences as well as situation where false information has been provided. The nominated officer shall apply his own mind and act in accordance with law.

It is hope and expected that the officer nominated by SP Headquarter shall complete the task in a professional, competent and fair manner and shall not arrest any person without the availability of any evidence of his capability.

The above Cr. Misc Application is disposed of alongwith pending applications in the above terms.

JUDGE