

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

Criminal Miscellaneous Application No.S- 182 of 2026

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For orders on MA 2807/2026.
2. For orders on office objection.
3. For orders on MA 2808/2026.
4. For hearing of main case.
5. For orders on MA 2809/2026.

09.04.2026.

Mr. Muhammad Hanif Kalhoro, Advocate for applicant.

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The counsel for the applicants/proposed accused all serving police officials are aggrieved by impugned order dated 03.04.2026 on the grounds that the Ex-Officio Justice of Peace ignored applicants' contentions rebutting the allegations of the respondent/complainant set out in the application under Section 22-A(6)(i) Cr.P.C that in fact at all material times the complainant's son was neither in illegal police custody nor illegally detained by them. Counsel contended that Ex-Officio Justice of Peace disregarded the information that the respondent/complainant's son had been arrested in certain criminal cases registered against him.

I have perused the impugned order and find sufficient information available to trigger recording of statement of the respondent/complainant. I do not find any material illegality in the impugned order to hold back recording of statement of the complainant/respondent. Merely directing recording of statement cannot be said to be interpreted to mean positive registration of an FIR. (See paragraph 27 in 2024 SCMR 985). An order for recording statement under Section 154 Cr.P.C does not amount to the registration of FIR (2024 SCMR 1123). In the circumstances, no case is made for interference in the impugned order except that as the proposed accused/applicants are almost all police officers at PS Daur, it would not be proper in the facts and circumstances for the SHO PS Daur to record statement of complainant. Indeed, given the backdrop, the DIG is directed to appoint a suitable DSP to record the complainant's statement. As a superior officer, the DSP holds the same power as outlined in Section 551 Cr.P.C. However, the proposed accused if a

case is made out for registration of an FIR should not be arrested unless the I.O collects corroborating evidence against them with regard to occurrence of alleged incident. Alternatively, if the case is found to be false during the investigation, proceedings under Section 182 PPC may be initiated against the applicant. Given the above, the impugned order dated 03.04.2026 is set-aside and the Criminal Miscellaneous Application is disposed of in the above terms.

JUDGE

Tufail