

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Present: Justice Jawad Akbar Sarwana

Crl. Misc: Application No.S-726 of 2025

Applicant : Sajjad Ali s/o Dur Muhammad Zardari
Through Mr. Zulfiqar Ali Chandio, Advocate

Respondents No.1, 2 and 4 : Mr.Khalid Hussain Lakho, D.P.G

Respondents No.3 : Imam Din s/o Ghulam Rasool Malookani
Through Mr. Muhammad Hanif Kalhoro,
Advocate

Crl. Misc: Application No.S-828 of 2025

Applicant : Hidayatullah s/o Ghulam Qadir Malookani
Through Mr. Muhammad Hanif Kalhoro,
Advocate

Respondents No.1, 2, 4, 5, 6, 7, 8, 9 and 10 : Mr.Khalid Hussain Lakho, D.P.G along with SIP
Kareem Bux PS Kazi Ahmed District Shaheed
Benazirabad.

Respondent No.3 : SajjadZardari
Through Mr. Zulfiqar Ali Chandio, Advocate

Date of hearing & Short Order : 09.04.2026

Date of reasons : 15.04.2026

ORDER

JAWAD AKBAR SARWANA, J: These Criminal Miscellaneous Applications filed by Sajjad Ali Zardari posted at P.S Kazi Ahmed (Criminal Miscellaneous Application No.S-726/2025) and Hidayatullah

Malookhani also posted at P.S Kazi Ahmed (Criminal Miscellaneous Application No.S-828/2025) have challenged the orders dated 04.10.2025 and 25.09.2025 passed by the learned Ex-Officio Justice of Peace, Shaheed Benazirabad, respectively. The applications under Section 22-A & B Cr.P.C. were filed by Imamuddin Malookahani and Hidayatullah Malookhani and concern the events of 03.09.2025 involving the alleged disappearance of their apparently 80 years old father/relative Ghulam Rasool Malookhani. The impugned order well-records the events and the defence taken by the police officers in these proceedings.

These Criminal Miscellaneous concern serving police officials at P.S Kazi Ahmed. I have gone through the impugned orders; there is nothing unlawful about them; however it would be appropriate to further clarify that 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 upto the police officer to determine whether the offence is revealed and if an offence is revealed whether it is cognizable or a non-cognizable. 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 order of learned Ex-Officio Justice of Peace should not be interpreted to mean that direction to mandatorily register an FIR has been made. (2024 SCMR 985 and 2024 SCMR 1123).

Thus in the circumstances the directions in the impugned order dated 04.10.2025 to the DSP Kazi Ahmed does not require any interference. Further, as far as the impugned order dated 25.09.2025,

is concerned the same matter/events concern/overlap the subject matter in order dated 04.10.2025. Thus no useful purpose will be served to give similar direction to the police authorities for the same incident as in the order dated 04.10.2025, as in order dated 25.09.2025 except to observe that while the order dated 25.09.2025 may not require any interference, however the matter(s) is left to the wisdom of the DSP Kazi Ahmed who has been nominated to record the statement. The concerned police officer shall apply his own mind, record statement and is at liberty to take further action as per the information gathered in accordance with law.

Both the Criminal Miscellaneous applications are thus disposed of in the above terms.

JUDGE

Tufail