

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

**Criminal Misc. Application No.S-748 of 2025**

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(s)</b>
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For orders on office objections.  
For hearing of main case.

**30-04-2026**

Mr. Rizwan Ahmed Rajput, advocate for the applicant.  
Ms. Sana Memon, Assistant Prosecutor General, Sindh.  
Mr. Muhammad Ali Rajput, advocate for respondents No.3 to 6.

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The applicant Syed Sheraz ul Hassan complainant is aggrieved by the impugned Order dated 23.10.2025 passed in Criminal Miscellaneous Application No.S-5836 of 2025 by the 5<sup>th</sup> Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad concerning an event which allegedly took place on the night of 25.09.2025.

Counsel for the complainant submits that although the alleged occurrence of crime took place on the night of 25.09.2025 and the occurrence of the alleged crime as pleaded by the complainant was also under investigation in an FIR pending in relation to the same event filed by other complainants described as witnesses by the present applicant, who were complainants of the said FIR; yet the Ex-Officio Justice of Peace dismissed the applicant's complaint merely in the background of the rent dispute between the parties, as tenant and landlord.

Counsel for the respondents No.3 to 6/proposed accused submits that the order passed by the 5<sup>th</sup> Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad is in accordance with law and that the FIR lodged by other complainants of the related event is contrary to both law and facts and is yet to be proved.

Learned APG submits that following the dicta of the Sughran Bibi case, in the circumstances, the FIR No.211 of 2025 filed by certain individuals described

by the applicant as witnesses essentially concerns the same event as that pleaded by the applicant which took place on the night of 25.09.2025. Thus, the Ex-Officio Justice of Peace has entirely ignored this aspect when, as per learned APG, a case may be made out for directions to the concerned police authorities to record the statement of the applicant as part of the said FIR.

Heard counsel and perused documents. It is clear from the FIR No.211/2025 and the charge sheet that has been filed by the learned counsel for the applicant, that the complainants of the said FIR whom the applicant described as witnesses in his complaint concerns the events of night of 25.09.2025. Further while present applicants are mentioned in the said FIR filed by the complainants of the said FIR, the charge framed does not follow up on such FIR with the applicants. Be that as it may the night of 25.09.2025 appears to involve several events, with the referred alleged incident as framed by the complainant being information concerning one of the events. Some of the events have already triggered provisions of CrPC in connection with the night and it remains to be seen if there is information for police authorities to consider other events which took place as cognizable events. I have gone through the impugned order dated 23.10.2025; 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. Once such information is provided it is upto the police officer to determine whether any 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 police official shall apply his own mind and act in accordance with law. It is not the prerogative of the Ex-Officio Justice of Peace to intervene in the investigation as such matters are best left to police authorities. No harm will be caused if the police authorities in this case, i.e. the same IO having conduct of the FIR No.211/2025 is directed to record the statement of applicant/complainant. The information gathered from recording of statement of the

applicant may be considered on its own merits viz. the FIR No.211/2025, as the case may be. The matter is left with the I.O. Accordingly, the impugned order dated 23.10.2025 is set-aside. Given that FIR No.211 of 2025 is already in place, the IO of the said FIR is directed to record the statement of the applicant, Syed Sheraz Ul Hassan, and determine whether a case has been made out and, if so, to deal with such information keeping in view the principles of the Sughran Bibi case. In case the information is false then recourse of the provisions of CrPC will be triggered accordingly.

The Criminal Miscellaneous Application stands allowed in the above terms.

**JUDGE**

Irfan Ali