

IN THE HIGH COURT OF SINDH, SUKKUR BENCH AT SUKKUR

Criminal Miscellaneous Application No. S-196 of 2026

Applicants : WHC Khaleeq-ur-Rehman and others, *through* Mr. Meeran Bux Shar, Advocate

Respondent No.1: Umair, *through* Mr. Altaf Hussain Hisbani, Advocate.

Respondent No. 2
To 5 : S.S.P Naushahro Feroze and others *through* Syed Sardar Ali Shah, Additional Prosecutor General.

Date of hearing : 27TH April, 2026

Decision of Order: 27TH April, 2026

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ORDER

ALI HAIDER 'ADA', J:- Through this Criminal Miscellaneous Application, the applicants, being police officials, have assailed the order dated 12.03.2026 passed by the learned Additional Sessions Judge-II / Ex-Officio Justice of Peace, Naushahro Feroze, in Criminal Miscellaneous Application No.648 of 2026, whereby an application under Sections 22-A & 22-B, Cr.P.C., filed by respondent No.1, was allowed with a direction to record his statement and, if a cognizable offence is disclosed, to incorporate the same under Section 154, Cr.P.C.

2. Briefly, respondent No.1 had moved an application before the learned Justice of Peace, alleging an incident as narrated in para-2 thereof. The learned Justice of Peace called for a report from the concerned police authorities, wherein it was stated that the brothers and father of respondent No.1 have a criminal record, and further that respondent No.1 failed to appear during the course of inquiry to record his version.

3. Learned counsel for the applicants contended that the SHO, P.S. Mehrabpur, was not even nominated as an accused in the application; however, due to mala fide intention and ulterior motives, respondent No.1 involved the police officials merely to exert pressure and to save himself from legal consequences. It is further argued that the impugned order is in the nature of a judgment rather than a summary order and has been passed without proper application of mind. Learned counsel emphasized that the application was filed only to achieve ulterior purposes and to negotiate with the police officials.

4. On the other hand, learned counsel for respondent No.1, placed on record a copy of Criminal Miscellaneous Application No.107 of 2026 filed under Section 491, Cr.P.C., along with order dated 04.03.2026 passed by the learned Additional Sessions Judge-II, Naushahro Feroze. He argued that the applicants have concealed material facts, as they failed to disclose that the said application under Section 491, Cr.P.C. had already been disposed of with directions to the SSP, Naushahro Feroze, to examine the matter and take appropriate action in accordance with law. It is contended that despite such directions, no action was taken by the SSP. Learned counsel further argued that once an application discloses commission of a cognizable offence, the same must be recorded under Section 154, Cr.P.C, and the question of truth or otherwise falls within the domain of investigation, not pre-registration inquiry.

5. Learned Additional Prosecutor General submits that respondent No.1 had filed applications under Sections 491 as well as 22-A & 22-B, Cr.P.C. on similar allegations. He also pointed out the criminal record (CRO) of the brothers of respondent No.1, suggesting possible ulterior motives. However, he fairly conceded that no action has been taken

by the SSP in compliance with the order dated 04.03.2026. He nonetheless supported the impugned order.

6. Heard learned counsel for the parties and perused the available record.

7. The scope of the Justice of Peace, while exercising jurisdiction under Sections 22-A & 22-B, Cr.P.C., is limited to examining whether the allegations disclose the commission of a cognizable offence and whether the applicant has approached the Court with clean hands or is actuated by mala fide. The Justice of Peace is required to apply a judicial mind and pass a speaking order, rather than deciding the matter in a mechanical manner. In this regard, guidance is drawn from the judgment of the Hon'ble Supreme Court in **Syed Qamber Ali Shah v. Province of Sindh, 2024 SCMR 1123**.

8. In the present case, it is observed that the applicants, being police officials, were under a legal obligation to place all relevant material before this Court. However, they failed to disclose or annex the proceedings initiated under Section 491, Cr.P.C., wherein they themselves were nominated as respondents. They also failed to demonstrate whether any action was taken by the SSP in compliance with the directions issued by the learned Additional Sessions Judge-II Naushahro Feroze. Such concealment of material facts disentitles the applicants from any discretionary relief.

9. As regards the contention relating to the criminal record of respondent No.1's family members, it is well settled that mere existence of a criminal record does not deprive a person of his legal right to seek redress or to set the criminal law into motion. The allegations made in para-2 are required to be recorded in accordance with Sections 154 or 155, Cr.P.C., as the case may be.

10. It is a settled principle of law that a party approaching the Court must come with clean hands. In the present case, the applicants have not only concealed material facts but have also taken inconsistent and misleading pleas, including the assertion that the SHO was not nominated, whereas the record reflects otherwise. Such conduct disentitles them from equitable relief. Support is drawn from the case of **Arshad Ali vs Federation of Pakistan through Secretary Pakistan Railways, Department Islamabad 2026 MLD 387 (DB-Sindh) and MUHAMMAD HASSAN MUSTAFA (Late) vs OIL AND GAS DEVELOPMENT COMPANY LIMITED (OGDCL), through Managing Director/Chief Executive Officer 2025 PLC(CS) 1528, (ISLAMABAD-DB).**

11. It is further settled that once an application under Sections 22-A & 22-B, Cr.P.C. is allowed, the concerned police officials are bound to register the FIR, and thereafter the matter falls within the exclusive domain of the Investigating Officer, who shall proceed strictly in accordance with law. In the instant case, since the police officials themselves are nominated as accused, their resistance to registration of the FIR is wholly misconceived and untenable.

12. In view of the foregoing facts and circumstances, this application is dismissed. The impugned order dated 12.03.2026 passed by the learned Justice of Peace is upheld. The SSP, Naushahro Feroze, is directed to ensure compliance of the earlier directions as well as the impugned order in its true letter and spirit, and to proceed in accordance with law without any bias or favour. In this regard, the mandate of Article 24-A of the General Clauses Act shall be strictly adhered to, requiring that all actions be taken fairly, justly, and reasonably, without extending undue favour merely on the basis that the proposed accused are police officials. Order accordingly.

JUDGE