

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Criminal Miscellaneous Application No.S-624 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: 1.Rizwan Iqbal S/O Muhammad Iqbal
2.Muhammad Iqbal S/O Wassan Khan both by
caste Soomro.
Through Mr.Nadeem Khan Keerio, Advocate.

The State: Through Mr.Shafi Muhammad Mahar, D. P.G.

Respondent No.4: Ghous Bux S/O Jam Khan Soomro
Through Mr.Athar Ali Abro Advocate.

Date of hearing & order: **01.10.2026.**

Suresh Kumar J:- Through this Criminal Misc. Application under Section 561-A, Cr.P.C, the applicants have impugned the Order dated 08.09.2026 passed by learned Additional Sessions Judge/Ex-officio Justice of Peace Mirwah in CrI; Misc. Application No.4107 /2026 (Re. Rizwan Iqbal and another v. The State and others), thereby allowed the application under section 22-A-& 22-B Cr.P.C. for registration of FIR.

2. The facts leading to this application indicate that the complainant/respondent No. 4, Ghous Bux, filed a Criminal Miscellaneous Application under Sections 22-A and 22-B of the Code of Criminal Procedure (Cr.P.C.) before the Additional Sessions Judge/Ex-officio Justice of Peace, Mirwah, seeking directions for the registration of an FIR against the applicants/accused. The complainant stated that on 17.08.2026, at 11:00 AM, he, along with Naveed Ali, was riding a motorcycle when he noticed another motorcycle being driven in a rash and negligent manner, which collided with the rear of his motorcycle, causing them to fall to the ground and sustain injuries. Meanwhile, their relative, Kifayat Ali, and others arrived and took the respondent No. 4/complainant to Taluka Hospital Mirwah, from where he was referred to KMC Civil Hospital Khairpur. After completing his

treatment, the complainant approached the elders of the applicant party, but the applicants issued threats. Subsequently, a Criminal Miscellaneous Application was filed seeking directions for the registration of an FIR, which was granted by an order dated 08.09.2026. This order is now being challenged by the applicants through the current Criminal Miscellaneous Application.

3. The learned counsel for the applicants has contended that the impugned order dated 08.09.2026, passed by the learned Additional Sessions Judge/Ex-officio Justice of Peace, Mirwah, is contrary to law and equity, and is therefore liable to be set aside. He has also argued that there was no rash or negligent driving on the part of the applicant, Rizwan Iqbal, a fact that was not considered by the learned Additional Sessions Judge/Ex-officio Justice of Peace, Mirwah, while passing the impugned order. Lastly, he has contended that the impugned order dated 08.09.2026 is liable to be set aside.

4. The learned Deputy Prosecutor General (P.G.) of Sindh has supported the impugned order. He has contended that the police are bound to register the FIR under Section 154 of the Code of Criminal Procedure (Cr.P.C.) for a cognizable offence. He has also asserted that the applicant caused serious injuries to respondent No. 4 due to the rash and negligent driving of the motorcycle. Lastly, he has contended that the learned trial court has rightly directed the Station House Officer (SHO) to record the statement of the complainant.

5. Learned counsel for complainant/respondent No.4, has adopted the same arguments as made by learned DPG and also prayed for dismissal of this Crl. Misc. Application.

6. Having given due consideration to the arguments advanced by learned counsel for the applicant, learned DPG as well as complainant and having perused the relevant material. From the perusal of impugned order dated 08.09.2026, it reveals that learned Additional Session Judge/Ex-officio Justice of Peace Mirwah has passed the following order:

“ After hearing learned counsel for the parties and I have gone through material available on record. On 17.8.2026 at about 11.00 am time the applicant along with Naveed Ali were going towards Town Bozdar Wada on motorcycle for some work, whenever they were on way they noticed an speedy motorcycle was coming behind them and saw that accused Rizwan Ali was driving the motorcycle with negligence and wrong side and hit with the motorcycle of the applicant from backside, in result, the applicant and his witness Naveed Ali fallen down from motorcycle, and due to such hit and fallen down with motorcycle many other moving vehicles were stopped and the applicant relative kifayat Ali also arrived thereon his motorcycle where the other people present there also complained the proposed accused by giving Hakals that you have caused several accidents by driving the motorcycle with negligence and today you repeat same accident and on giving Hakals both the proposed accused fled away with their motorcycle. Thereafter, the applicant saw that he caused serious bone injury of fracture on his left hand wrist and also received other injuries on head and other parts of body. Thereafter, the applicant with the help of people present there and Kifayat Ali took him and witness Naveed Ali as he received some minor injuries came at PS Bozdar Wada, obtained letter for treatment and after obtaining letter the applicant was brought to RHC Thari Mirwah, wherefrom applicant was referred to KMC Civil Hospital Khairpur for further treatment and after treatment he obtained such MLC (Copy of Final MLC is enclosed) After free from treatment the applicant approached to the elders/father of accused and disclosed him the above facts but the father of accused namely Iqbal alias Bhooral on disclosing the above facts he also abused with the applicant and took out pistol from his fold and issued threats that if they made any complaint to Police or any authority. They would never be spared but would be murdered. It is obligatory duty of SHO and there isn o cavil in proposition of law that SHO is duty bound to record the statement of every subject of law appears before him at the PS in compliance of section 154 Cr.P.C I am guided by land mark judgment of Honorable Supreme Court “PLD 2007 SC 539” Accordingly, the SHO PS Bozdar Wada/respondent No.3 is directed to record the statement of applicant u/s 154 Cr.P.C and lodge the FIR if from the statement of complainant cognizable offence is made out . it is further directed that no arrest shall be made to any body including proposed accused persons unless cogent material available, so also if after investigation, the statement found false IO under stator obligation to initiate proceedings u/s 182 PPC accordingly against complainant.

7. From a bare reading of the above order passed by the learned Additional Sessions Judge/Ex-officio Justice of Peace, Mirwah, it appears that he directed the Station House Officer (SHO) of Police Station Bozdar

Wada to record the statement of respondent No. 4/complainant and then to lodge an FIR against the applicant if a cognizable offence is established from his statement. From the facts of the application, it transpires that the applicant, Rizwan Iqbal, was allegedly driving the motorcycle on the wrong side and collided with the motorcycle of the complainant from behind, resulting in the complainant and his witness, Naveed Ali, falling down and sustaining serious injuries. The injuries sustained by respondent No. 4/complainant were declared as Jurah Ghayr Jaifah Hashimah and Jurah Ghayr Jafiah Damihah by the medical officer. From the perusal of the available material, it is evident that respondent No. 4/complainant sustained serious injuries due to the rash and negligent driving of the applicant, Rizwan Iqbal. Therefore, the learned Additional Sessions Judge/Ex-officio Justice of Peace, Mirwah, has rightly passed the impugned order dated 08.09.2026. It is well-settled law that the police are bound to register an FIR if a cognizable offence is established from the statement of the complainant. In the present case, the accident as well as the injuries sustained by the complainant have not been denied; therefore, prima facie, a case of rash and negligent driving and the aforementioned injuries has been made out.

8. For the reasons given above, I am of the considered view that application merits no consideration, therefore, the same is hereby dismissed and the impugned order dated 08.09.2026 passed by learned Additional Session Judge/Ex-officio Justice of Peace Mirwah, District Khairpur is maintained.

JUDGE