

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Criminal Miscellaneous Application No.S-692 of 2025.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicant: Syed Nokar Hussain Shah S/O Syed Zamir
Hussian Shah. Through:
Mr. Muhammad Raza Soomro, Advocate.

The State: Through:
Mr.Mansoor Ahmed Shaikh, D. P.G.

Date of hearing & order: 28.10.2026.

Suresh Kumar J:- Through this Criminal Miscellaneous Application under Section 561-A, Cr.P.C, the applicant has impugned the Order dated 26.09.2025, passed by learned Ex-officio Justice of Peace/3rd.Additional Sessions Judge, Khairpur in CrI; Misc. Application No.4431/2025 (Re.Syed Nokar Hussain Shah v. The State and others, whereby he has dismissed the application U/S 22-A & 22-B Cr.P.C for registration of FIR.

2. The facts, as per the record leading to this application, are that the applicant filed an application under Sections 22-A and 22-B of the Cr.P.C., stating that on April 3, 2025, in the morning, he left his house to purchase milk. On the way, a stray dog attacked and bit him. Thereafter, he went to the hospital with a police letter for treatment; however, the SHO later declined to register the FIR.

3. Thereafter, the applicant filed a Criminal Miscellaneous Application seeking directions for the registration of an FIR, which was dismissed by the learned Ex-officio Justice of Peace/3rd.Additional Sessions Judge, Khairpur, as per the order dated 08 September 2026. This order is now being challenged through the present Criminal Miscellaneous Application.

4. I have learned counsel for applicant, learned DPG for State and also perused the material available on record.

5. The learned counsel for the applicant has contended that a cognizable offence has been made out from the allegations made in the complaint under Sections 22-A and 22-B of the Cr.P.C. However, the learned Ex-officio Justice of Peace/3rd Additional Sessions Judge, Khairpur, has committed an illegality while passing the impugned order dated September 26, 2025. He has lastly contended that the impugned order may be set aside and a direction may be issued to the SHO for the registration of the FIR.

6. The learned Deputy P.G. Sindh has supported the impugned order dated September 26, 2025, and contended that the applicant was not bitten by any stray dog but was scratched by his own pet dog. He has also contended that no cognizable offence has been made out from the contents of the application filed by the applicant/complainant. Furthermore, he has argued that the application is motivated by political design; therefore, the applicant has filed the present application with mala fide intention due to his personal grudge against the proposed accused. He also prayed for the dismissal of this CrI. Misc. application.

7. Having given due consideration to the arguments advanced by the learned counsel for the applicant and the learned Deputy Prosecutor General, and having perused the relevant material available on record, it is revealed from the perusal of the impugned order dated September 26, 2025, that the learned Ex-officio Justice of Peace/3rd Additional Sessions Judge, Khairpur, has dismissed the CrI. Misc. Application of the applicant with the following observation:

“Record shows that the respondent No.3/SHO has denied the version of applicant and reported that applicant was not bitten by any stray dog but he was scratched by his own pet dog. SHO further reported that the Chairman Town committee, Kotdiji/proposed accused had already got killed the stray dogs and now the applicant has field this Cr.M.A due to some personal grudge with the Chairman. Apparently,

the applicant has been failed to prove that he was bitten by any stray dog and there is nothing available on record in support of his version. The facts and circumstance of the present case (where per SHO the applicant was scratched by his own pet dog) are totally distinguishable from the fact and circumstances of the case law reported as 2021 YLR 2010.”

8. From a bare reading of the impugned order dated September 26, 2025, it is revealed that the Crl. Misc. Application was dismissed by the learned Ex-officio Justice of Peace/3rd Additional Sessions Judge, Khairpur, on the basis of the report submitted by the SHO of PS Kotdiji. From the perusal of the report submitted by the SHO, it is indicated that the applicant was bitten by his own pet dog. The record further reveals that the applicant intends to get an FIR registered against the Chairman, which is apparently a politically motivated move with mala fide intention. Moreover, the counsel for the applicant has failed to satisfy the court as to how a cognizable offence is made out from the contents of the application. It is well-settled law that the Ex-officio Justice of Peace has the authority to refuse to issue directions for the registration of an FIR if the application is found to be motivated by mala fide intentions, as per the available record. In similar circumstances, the Honourable Supreme Court in the case of **Munawar Alam v. Qurban Ali Malano (2024 SCMR 985)** has held that there are many precedents regarding misuse of provisions of Section 22-A and 22-B Cr.P.C. and it is the prime duty of the Court that such misuse be taken care and application filed should not be lightly entertained and decided in a mechanical manner for issuing direction to the Police. Similar view has been taken by Honourable Supreme Court in the case of **Jamal Khan v. Secretary Home Department (2021 SCMR 468)**.

9. Moreover, the Honourable Supreme Court in the case of **Yonis Abbas v. Additional sessions Judge, Chakwal (PLD 2016 581)** has held that functions of Ex-official justice of Peace performs are not executive, administrative or ministerial inasmuch as he does not carry out, manage or deal with things mechanically. His functions are described in clause (i), (ii) and (iii) of Sub-Section 6 of Section 22-A Cr.P.C are quasi-judicial as he entertains applications, examine the record, hears the parties, passes orders and issue directions with due application of mind. Every *lis* before him demands discretion and judgment.

10. In the present matter, the material demonstrates that the issue arises out of a political grudge held by the applicant against the proposed accused, and the criminal legal machinery is being invoked to exert pressure, harass, and circumvent civil adjudication. However, the Justice of Peace has ignored this fact. The mala fide intention on the part of the applicant is also apparent.

11. For the reasons given above and guidance taken from the case law cited above, I am of the considered view that no illegality was committed by the learned Ex-officio Justice of Peace/3rd.Additional Sessions Judge, Khairpur, while passing the impugned order dated 26.09.2025, therefore, Criminal Miscellaneous Application filed by the applicant is dismissed and the impugned order is maintained.

JUDGE