

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

Cr. Misc. Application No.S-414 of 2026

[Muhammad Bux Jamali and another vs. S.P Complaint Cell Hyderabad and Ors.]

Applicants by	:	Mr. Shoukat Ali Pathan and Ms. Farida Naz advocates
Private respondents	:	Nemo
Official respondents by	:	Mr. Irfan Ali Talpur D.P.G
Date of hearing	:	20.08.2026
Date of decision	:	20.08.2026.

ORDER

JAWAD AKBAR SARWANA J:- The applicants Muhammad Bux Jamali and Muhammad Arshad have challenged the Order dated 02.07.2026 passed by the learned 1st Additional Sessions Judge/Ex-Officio Justice of Peace Hyderabad (**Ex-Officio Justice of Peace**) in Criminal Miscellaneous Application No.3996 of 2026 whereby the Ex-Officio Justice of Peace allowed the application filed by the respondent No.3 Abdul Latif Khoso and directed the SHO to record the statement and lodge FIR.

2. Counsel is aggrieved that the Ex-Officio Justice of Peace not only gave directions to the Police Officer, but also simultaneously passed orders to record the statement of the applicant. He submits that the Ex-Officio Justice of Peace exceeded his powers. However, reading the impugned Order holistically, it also appears that the impugned Order dated 02.07.2026 is poorly worded. After the Ex-Officio Justice of Peace ordered the Police Officer to record the complainant's statement, the matter ended there. Therefore, the second sentence to register the FIR appears superfluous and contrary to law, given the facts and circumstances of the case. The determination, after recording of statement, based on information whether a cognizable or non-cognizable offence was/is made out, was the Police Officer's call, and not that of the Ex-Officio Justice of Peace.

3. Notwithstanding the above, now that the Police Officer has already recorded the Statement of the Complainant and presumably registered the FIR, no case for quashment of FIR, as pleaded by the proposed accused, can be made out, in this cr. Misc. appln. It is hoped and expected that the Police Officer shall act and/or is presently acting strictly in accordance

with law. Yet, this does not mean that the proposed accused is remedy-less. The election to challenge the FIR and/or the criminal process always remains available to the proposed accused, provided a case can be made out on its own terms within the context of the said FIR, but this challenge cannot now be agitated in this lis. After recording of statement and the Police Officer already having registered FIR, this misc. criminal application has now become infructuous.

4. It may not be out of place to mention here that the applicant no.1/proposed accused, Muhammad Bux Jamali, has impleaded Muhammad Arshad s/o Muhammad Sharif as a co-applicant, namely, applicant no.2 of this cr. Misc. appln, except that the said Muhammad Arshad was neither arrayed as a proposed accused nor mentioned in the cr. misc. appln. heard and decided by the Ex-Officio Justice of Peace. Thus, this cr. misc. appln. is also not maintainable as filed by Muhammad Arshad, on this score, too, and liable to be dismissed in limine.

5. Given the above, this criminal miscellaneous application stands dismissed in limine.

JUDGE

Sajjad Ali Jessar