

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Misc Application No.S-595 of 2026.

<i>DATE</i>	<i>ORDER WITH SIGNATURE OF JUDGE</i>
	For orders on M.A No.7843/26. For orders on office objections. For orders on M.A No.7844/26. For hearing of main case. For orders on M.A No.7845/26.

08.09.2026.

Malik Muhammad Haroon, Advocate for Applicants.

Kazim Ali and Massam Ali proposed accused No.4 & 5 / Applicants No.1 & 2 herein are aggrieved by the order dated 04.09.2026 passed by the 2nd Additional Sessions Judge / Ex-Officio Justice of Peace, Tando Allahyar in Cr. Misc Application No.692 of 2026. The learned counsel for the applicants submits that Respondent No.3 (Mst. Lal Khatoon @ Kulsoom) raised false and fabricated allegations as per the memorandum of Application under Section 22-A & 22-B Cr.P.C. He submits that no incident occurred on 15.08.2026 as alleged by the applicant / Respondent.

Heard learned counsel for Applicants and perused the record available.

I have gone through the impugned order dated 04.09.2026 passed by the 2nd Additional Sessions Judge / Ex-Officio Justice of Peace, Tando Allahyar in Cr. Misc Application No.692 of 2026, whereby the learned Ex-Officio Justice of Peace, after hearing the matter, directed the SHO concerned to record the statement. Under the law, any person having information regarding the commission of an offence is entitled to furnish such information to the police station concerned. Once such information is provided, the police officer must determine whether any offence is disclosed and, if so, whether the offence is cognizable or non-cognizable. The Criminal Procedure Code and Police Rules provide ample guidance to police officials for proceeding in either situation, including cases involving false information. The learned Ex-Officio Justice of Peace ought to refrain from intervening in investigation matters, as such matters are best dealt with by the police authorities. The Counsel for the applicants apprehends that the recording

of a statement amounts to registration of an FIR; however, it is now well established that mere recording of a statement does not amount to the definite lodgment of an FIR (2024 SCMR 985 and 2024 SCMR 1123).

In view of the above, the impugned order dated 04.09.2026 does not require any interference, except that it is well understood and expected that the police official must apply his own independent mind and act strictly in accordance with law, act in a diligent, competent, professional and thorough manner and shall not arrest any person without evidence of his capability.

Accordingly, the impugned Order is sustained in the above terms, and the instant Cr. Misc Application is disposed of as above along with all pending application(s).

JUDGE

Ali.