

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl.Misc. Application No.S-77 of 2025.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicant: Ghulam Abbass S/O Talib Hussain Bajwa
Through Mr.Safdar Ali Bhatti, Advocate.

The State: Through Mr.Gulzar Ahmed Malano, A. P.G.

Proposed accused:: 1.Majid S/O Tariq Javed Bhatti
2.Rashid S/O Tariq Javed Bhatti
3.Sharif Ahmed S/O Nazeer Ahmed Jatt
Through **Mr.Mashooque Ali Ghanghro**
Advocate.

Date of hearing & order: 14.09.2026.

Suresh Kumar J:- Through this Criminal Misc. Application under Section 561-A, Cr.P.C, the applicant has impugned the Order dated 30.01.2025 passed by learned Additional Sessions Judge /Ex-officio Justice of Peace Mirwah District Khairpur in Crl; Misc. Application No.304/2025 Re.Ghulam Abbas vs. The State and others, thereby dismissing application under section 22-A-(i) Cr.P.C. for registration of FIR.

2. Facts as per record are that on 16.01.2025 at about 11.0 PM, the applicant along with his son Ghulam Mustafa was going towards his house and reached at place of incident, he saw proposed accused shown above who being his relative had robbed motorcycle and cash amount from applicant and his son forcibly, meanwhile witness Aqeel arrived there and they all got succeeded to capture one of the proposed accused namely Majid at spot. All of sudden police arrived there and arrested the proposed accused, then shifted him to Police station. Thereafter, applicant came to know that proposed accused was referred by the Police for treatment and certificate. Then applicant approached the SHO of above PS, but he did not register his case. Thereafter applied filed Crl. Misc. Application, seeking

direction for registration of FIR, which was dismissed by learned Additional Session Judge /Ex-officio Justice of Peace Mirwah District Khairpur vide order dated 30.01.2025, which is assailed through instant Crl. Misc. Application.

3. Learned counsel for applicant has contended that impugned order passed by learned Additional Session Judge /Ex-officio Justice of Peace Mirwah District Khairpur is much against the law and natural justice. He has also contended that police is bound to register FIR for cognizable offence as made out from the contents of complainant. He has lastly contended that learned Additional Session Judge /Ex-officio Justice of Peace Mirwah District Khairpur did not apply his judicial mind while passing impugned order regarding offence committed by the proposed accused.

4. Learned Assistant P.G. Sindh, has supported the impugned order and he has also contended that applicant/complainant has filed present application for registration of FIR with mala fide intention. He has also contended that SHO PS Setharja has not supported the alleged arrest and incident in his report produced along with Crl. Misc. Application as annexure-D.

5. Learned counsel for proposed accused has adopted the same arguments as made by learned APG. He has further relied upon the photocopy of medical certificate dated 15.01.2025 of injured Majid Ali, order dated 11.12.2025, and Registered sale deed dated 02.10.2012. He has lastly prayed for dismissal of this Crl. Misc. Application.

6. Having given due consideration to the arguments advanced by learned counsel for the applicant, learned APG as well as complainant and

having perused the relevant material. From the perusal of impugned order dated 30.01.2025, it reveals that learned Ex.Officio Justice of Peace/Additional Sessions Judge-Mirwah, has dismissed the Crl. Misc. Application on the ground that applicant/complainant had filed present application with mala fide intention. Record further reveals that the injured(proposed accused Majid) himself appeared at PS and got obtained letter for his examination and medical certificate, one day i.e 15.01.2025 before the alleged incident shown in the application. Learned counsel for appearing on behalf of the proposed accused also pointed out that applicant is habitual of filing false cases, due to civil dispute over landed property and such proof of registry produced before this Court through statement and also relied upon previous order dated 11.12.2025 by which the complainant registered by the applicant was disposed of in cancelled class. Apparently the applicant has filed present application with mala fide intention. Even medical certificate available on record is in respect of injury shown by the applicant was caused one day prior to the incident. It means that no such type of incident was taken place as disclosed by the applicant in his application, therefore, the learned trial Court has rightly dismissed the application.

7. It is well settled law that the Ex-officio Justice of Peace has authority to refuse to issue direction or registration of FIR, if the application is found to be motivated by mala fide as per 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).

8. Moreover, the Honourable Supreme Court in the case of Yonis Abbass vs. 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.

9. For the reasons above and guidance taken from the cited case law, I am of the considered view that applicant has filed present application with mala fide intention, therefore, impugned order dated 30.01.2025 Additional Sessions Judge /Ex-officio Justice of Peace Mirwah District Khairpur, is maintained. Consequently, Criminal Misc. Application is dismissed.

JUDGE

