

THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Crl. Miscellaneous Application No.S-432 of 2026

Applicants: Maaz Ali and Muhammad Ali
Through Mr.Jahanzeb Laghari, Advocate

The State: Through Altaf Hussain Khokhar, D.P.G.
[Respondents No.1,2&4]

Date of Hearing: **31-08-2026**

Date of Order: **31-08-2026**

ORDER

ABDUL MOBEEN LAKHO-J, Through this Criminal Miscellaneous Application filed under section 561-A Cr.P.C, the applicants have called in question the order dated 10.07.2026 passed by the learned II-Additional Sessions Judge & Ex-officio Justice of Peace, Hyderabad in Criminal Miscellaneous Application No.4376 of 2026, whereby the SHO concerned was directed to hear respondent No.3 and proceed in accordance with law.

2. Briefly stated, respondent No.3 filed an application before the learned Justice of Peace seeking legal action upon her allegations against the present applicants. After obtaining reports from the police authorities, the learned Justice of Peace disposed of the application with directions to the SHO concerned to hear the complainant and proceed in accordance with law. Feeling aggrieved, the applicants have filed the instant application.

3. Learned counsel for the applicants contended that the impugned order is illegal, arbitrary and has been passed without proper appreciation of the material available on record. He argued that the dispute between the parties is the outcome of matrimonial discord; that the police report did not support commission of any cognizable offence and that the learned Justice of Peace failed to properly appreciate the factual background of the matter before passing the impugned order. He, therefore, prayed that the impugned

order be set aside and the application filed before the learned Justice of Peace be dismissed.

4. It is matter of record that respondent No.3 was present before this Court on the last date of hearing and expressed her satisfaction upon the learned Assistant Prosecutor General to proceed with the matter on her behalf. However, today she remained absent and no intimation has been received.

5. Learned Deputy Prosecutor General supported the impugned order and submitted that the learned Justice of Peace had merely directed the SHO to hear the complainant and proceed strictly in accordance with law. He maintained that no prejudice has been caused to the applicants and prayed for dismissal of the instant application.

6. I have heard learned counsel for the applicants and the learned Deputy Prosecutor General, so also have gone through the available record with their able assistance.

7. Upon examination of the record, it appears that the learned Justice of Peace neither directed registration of an FIR nor recorded any conclusive finding regarding the allegations. The impugned order only required the SHO concerned to hear the complainant and proceed in accordance with law. Such direction is administrative and tentative in nature and does not determine the rights or liabilities of any party at this stage.

8. The record further reflects that the police authorities were left free to proceed strictly in accordance with law after hearing the complainant. Therefore, no jurisdictional defect, illegality, material irregularity, or misuse of authority has been pointed out which may justify interference by this Court in its inherent jurisdiction.

9. For the foregoing reasons, finding no merit in the instant Criminal Miscellaneous Application, the same is hereby dismissed. The impugned order dated 10.07.2026 passed by the learned II-Additional Sessions Judge &

Ex-officio Justice of Peace, Hyderabad is maintained. It is, however, clarified that the police authorities shall proceed strictly in accordance with law and independently assess the material, if any, brought before them, without being influenced by any observation contained herein.

JUDGE

AHSAN K. ABRO