IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Misc. Application No.S-248 of 2025

Applicants	:	1. Muhammad Hassan s/o Sohrab, 2. Punhal son of Karimdad, 3. Kale Khan son of Karimdad, 4. Mevo Khan son of Abdul Sattar, 5. Wazir Ali son of Mir Muhammad, 6. Abbas Ali son of Mir Muhammad, 7. Akbar Ali s/o Jamal Khan, 8. Ghamshad Ali son of Shehmir, 9. Qadir son of Sher Muhammad, 10.Abdul Rauf son of Abdul Sattar, Through Mr. Ahmed Nawaz Khan advocate.
Respondent No.1		Nemo
Respondent No.3	:	The State Through Mr. Dhani Bux Assistant P.G.
Date of hearing	:	02.11.2026
Date of Order	:	02.11.2026

O R D E R

NISAR AHMED BHANBHRO, J: Through the instant Criminal Misc. Application, the applicant has challenged the order dated 25.10.2025 passed by the learned Additional Sessions Judge-I, Tharparkar at Mithi in Direct complaint No.24/2025, "Re-Jan Muhammad vs. Muhammad Hassan and others".

2. Learned counsel for the applicant contended that for the same offence, respondent No.1 Jan Muhammad filed an application under Sections 22-A Cr.P.C to record an FIR, which was declined by the learned Additional Sessions Judge-I/Ex-Officio Justice of Peace, Tharparkar @ Mithi on the ground that one Punhal had already lodged FIR No.26/2025 at Police Station Nangarparkar. Therefore, the applicant may record his statement alongwith witnesses before concerned I.O in view of the dictum laid down by Honourable Supreme Court in Sugra Bibi case (PLD 2018 SC 595). He further contended that instead of approaching the police, respondent No.1 Jan Muhammad instituted private complaint under Section 200 Cr.P.C, which was brought on record after inquiry. He argued that in the presence of FIR/case, complaint under Section 200 Cr.P.C cannot not be instituted. Therefore,

it was fit case for setting aside the order dated 25.10.2025, whereby cognizance was taken by the learned trial Court.

3. The learned Assistant Prosecutor General also supported the contentions advanced by learned counsel for the applicant and submitted that the impugned order was not sustainable in the eyes of the law.

4. I have heard learned counsel for the applicant, learned Assistant Prosecutor General and have perused the material available on record.

5. It transpires from the record that during the scuffle, persons from both sides sustained injuries. The applicant No.2 lodged FIR bearing Crime No.26/2025 for offences under Sections 324, 147, 149, 114, 504, 337-A(i), 337-F(i), and 337-H(ii) PPC at Police Station Nangarparkar. After investigation, the challan was submitted before concerned Magistrate, who took cognizance of the matter. Respondent No.1 Jan Muhammad filed an application under Sections 22-A and 22-B Cr.P.C; however, the same was not entertained by following dictum laid down in the case of Sugra Bibi (supra), which shuns from lodging multiple FIRs for the same incident.

6. Relief under Section 200 Cr.P.C is separate and same is available even if FIR has been recorded and the aggrieved party finds that the investigation was not upto mark; complaint before the concerned Magistrate may be instituted. As a matter of propriety, if cognizance is taken, both cases may proceed in accordance with law, and the complainant's case shall proceed first.

7. In the present case, respondent No.1 Jan Muhammad brought counter-version of the same incident, though second FIR of the same incident was not permissible under the law; however, aggrieved person can take recourse under Section 200 Cr.P.C and may institute private complaint. If, during the preliminary inquiry, learned Magistrate was satisfied that sufficient grounds existed to bring complaint on record, proceed with the case. In the instant case, learned trial Court after institution of complaint sent it for inquiry to the concerned Magistrate and inquiry forwarded the stance of complainant that offence was committed which was supported by the medical evidence, therefore, learned trial Court rightly took cognizance and issued process against the present applicants under Section 204 Cr.P.C.

8. Since cognizance has already been taken by the learned trial Court, both cases are required to be tried together and the evidence of both sides shall be recorded to determine who was the aggressor and who was aggressed upon. No

illegality or irregularity has been pointed out in the impugned order warranting interference by this Court. Accordingly, the instant Crl. Misc. Application stands dismissed alongwith listed application. However, the applicant shall be at liberty to file an application under section 265-K Cr.P.C and said application shall be decided after hearing parties and material available on record and trial Court shall not prejudiced from findings tendered while taking cognizance of offence Office is directed to send copy of this order to learned trial Court for information accordingly.

JUDGE

Approved for reporting

"Chander Kumar"