HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Miscellaneous Application No.S-641 of 2026

Applicant:	Noor Hassan through Mr. Khalid Hussain Hingoro, Advocate.
Respondents No.1to4&10:	SSP Complaint Cell Tando Muhammad Khan and others through Mr. Khalid Hussain Lakho, Deputy Prosecutor General, Sindh.
Respondents No.5to9:	Nemo.
Date of hearing:	02.11.2026.
Date of order:	02.11.2026.

O R D E R

MUHAMMAD HUMAYON KHAN, J. — Through this application under Section 561-A, Cr.P.C., the applicant challenges the order dated 11.09.2026, passed by the learned II-Additional Sessions Judge/Ex-Officio Justice of Peace, Tando Muhammad Khan, in Criminal Miscellaneous Application No.945 of 2026, whereby his request under Sections 22-A and 22-B, Cr.P.C., for registration of an FIR was declined, while preventive directions were issued to the concerned SHO.

2. Briefly, the applicant alleged that on 05.09.2026, at about 0700 hours, the proposed accused, armed with firearms and other weapons, came to his house, abused and threatened his family, resorted to aerial firing and demolished its boundary wall to occupy the plot. Alleging police inaction, he approached the learned Justice of Peace, who called police reports, heard the parties and passed the impugned order.

3. Learned counsel for the applicant contends that the allegations disclose cognizable offences requiring registration of an FIR under Section 154, Cr.P.C. He submits that the learned Justice of Peace overlooked material facts, improperly relied upon police reports and passed a non-speaking order. He accordingly seeks its reversal and a direction to record the applicant's statement and register the case.

4. Learned D.P.G., Sindh, opposing the application, supports the impugned order and submits that the inquiry disclosed an ownership dispute between occupants of adjoining houses, without substantiating the alleged criminal occurrence. He further submits that preventive

measures were taken and no illegality warranting interference has been demonstrated.

5. I have considered the respective submissions and examined the available record. The objections that the impugned order is non-speaking and was passed without hearing the applicant are contradicted by its contents. Paragraph-4 of the impugned order expressly records hearing learned counsel for the applicant and the proposed accused, consideration of the police reports, and the reasons for declining the requested direction.

6. The reports before the learned Justice of Peace described adjoining houses and a dispute arising over ownership of the plot following repair of the applicant's house and construction of a boundary wall. The subsequent SHO's report dated 12.10.2026 reiterates that background and reports obtaining written undertakings from the parties pursuant to the preventive directions. It records implementation of its protective component.

7. A civil dispute does not, by itself, exclude criminal liability; allegations of firing, threats and demolition therefore require separate consideration. Equally, police opinion is not conclusive. Nevertheless, the applicant has not identified any particular document, statement or other material in the supplied record which the learned Justice of Peace ignored or materially misread concerning those allegations. General assertions of police collusion, without identifying a concrete defect in the inquiry or the reasoning adopted, do not establish arbitrary exercise of jurisdiction. This conclusion neither determines title nor declares the applicant's allegations false.

8. In *YOUNAS ABBAS and others v. ADDITIONAL SESSIONS JUDGE, CHAKWAL and others (PLD 2016 SC 581),* the Supreme Court explained that the functions exercised under Section 22-A (6), Cr.P.C., are quasi-judicial, requiring examination of the record and application of judicial mind, rather than mechanical issuance of directions. Here, the learned Justice of Peace considered the competing versions, recorded an intelligible basis for declining FIR registration and separately addressed the apprehended breach of peace. No patent illegality, material procedural irregularity or demonstrable abuse of process calling for interference under Section 561-A, Cr.P.C., has been established.

9. Consequently, this Criminal Miscellaneous Application is **dismissed**. The preventive directions contained in the impugned order shall remain operative in accordance with law. The applicant remains at liberty to institute a private complaint under Section 200, Cr.P.C., and pursue appropriate civil or revenue remedies. These observations shall not prejudice any such proceedings.

JUDGE

Abdullah Channa/PS