ORDER SHEET

IN THE HIGH COURT OF SINDH
CIRCUIT COURT HYDERABAD

Criminal Miscellaneous Application No.S-496 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE

1. For order on MA No.7518/2026.
2. For order on office objection.
3. For order on MA No.7519/2026.
4. For hearing of main case.
5. For order on MA No.7520/2026.

11-11-2026

None present for the applicant. No intimation is received. Same was the position on the last date of hearing.

Through this criminal miscellaneous application under section 561-A, Cr.P.C., the applicant questions the order dated 22.06.2026 passed by the learned 1st Additional Sessions Judge/Ex-Officio Justice of Peace, Shaheed Benazirabad, whereby directions were issued to the SHO, Police Station Kazi Ahmed, to examine the grievance of respondent No.3 and proceed in accordance with law.

Briefly, respondent No.3, Muhammad Ashraf, alleged that on 03.04.2026, while he was grazing his goats near Village Lakhat Mouri, the applicant, a police constable, accompanied by an unidentified person, forcibly took away a goat. Upon objection, the applicant allegedly fired at him with intent to kill; the shot missed him but struck and killed his dog. Respondent No.3 further alleged that despite approaching the police authorities, no action was taken. He also referred to a postmortem examination of the dog and a local Jirga/Faisla concerning the dispute.

The applicant challenges these allegations as fabricated and retaliatory, relying upon previous hostility, criminal cases against respondent No.3 and his associates, and an asserted favourable police inquiry. In particular, he refers to FIR No.09 of 2026 of Police Station Lakhat concerning an occurrence dated 01.04.2026, during which, according to his version, firing by the opposite party killed a stray dog. He maintains that the subsequent complaint was intended to pressurize him.

Perusal of the impugned order, particularly paragraph-5, reveals that the learned Justice of Peace neither accepted the complainant's allegations as established facts nor issued an unconditional direction for registration of an FIR. Rather, while expressly refraining from determining the merits, the learned Court directed the SHO to examine the grievance, record the complainant's statement, and consider the supporting material, including any postmortem report. Registration of an FIR was made conditional upon disclosure of a cognizable offence. Equally significant is the express safeguard that, if no cognizable offence is disclosed, the SHO shall pass a speaking order containing reasons and communicate it to the complainant. As per memo, the applicant's contention that the impugned order mechanically commands registration of a criminal case is, therefore, inconsistent with its operative terms. The learned Justice of Peace noticed the pre-existing dispute and the need for factual verification, while observing that the available record did not demonstrate a proper inquiry culminating in a reasoned decision. The direction consequently requires lawful consideration of the grievance without foreclosing the applicant's defence or compelling an adverse conclusion.

The competing versions regarding the occurrence, the death of the dog, previous litigation and alleged mala fides involve disputed factual questions which cannot appropriately be conclusively determined in these proceedings. Those matters, together with any earlier police inquiry and relevant FIRs, remain available for consideration by the competent authorities in accordance with law. Prior enmity or an asserted favourable inquiry does not, by itself, render the limited directions contained in the impugned order unlawful.

Accordingly, this criminal miscellaneous application is **dismissed** along with listed applications. These observations shall not prejudice an independent assessment of the rival versions or the applicant's remedies against any subsequent unlawful action.

JUDGE

Abdullah Channa/PS