HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-2197 of 2026
[Ghulam Hassan Shah @ Jani Shah Vs. SSP Dadu & others]

Before:
Justice Adnan-Ul-Karim Memon
Justice Muhammad Jaffer Raza

Petitioner:	Through Mr. Khalid Saeed Soomro, advocate
Official Respondents:	By Mr. Allah Bachayo Soomro, Additional Advocate General, Sindh. SIP Muhammad Paryal and Ahmed Ali Kolachi, IO of the case.
Respondent No.3:	Through Mr. Muhammad Asad Shahani, advocate.
Date of hearing	10.11.2026
Date of Order	10.11.2026

O R D E R

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ADNAN-UL-KARIM MEMON, J:- The petitioner has filed the instant Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking quashment of FIR No.21/2026, registered at Police Station Rajo Dero, District Dadu, under Sections 324, 147, 148, 149, 452, 504, 506(ii) and 337-F(vi), PPC, along with suspension of its operation, restraint against further investigation and arrest, and provision of legal protection.

2. Learned counsel for the petitioner submits that the FIR was lodged pursuant to an order dated 06.10.2026 passed by the learned 4th Additional Sessions Judge, Dadu, on an application under Sections 22-A & 22-B, Cr.P.C. The complainant alleged that on 30.07.2026 at about 05:00 p.m., the nominated accused forcibly entered his house, assaulted the inmates and fired upon his brother Mithal Solangi, causing injuries. It is contended that the allegations are false, fabricated and motivated by previous enmity and pending litigation between the parties. Learned counsel further submits that the medical record reflects that the injured obtained a police letter for treatment on 29.07.2026 at 11:15 p.m. and was referred for further treatment at 11:45 p.m., thereby contradicting the date and time of occurrence mentioned in the FIR. Despite police reports disputing the allegations, the learned Justice of Peace directed registration of the FIR. It is, therefore, argued that the FIR is mala fide, suffers from unexplained delay and material contradictions, and amounts to an abuse of the process of law.

3. Conversely, the SHO, Police Station Rajo Dero, in his comments, submits that during investigation, the medical record established that the injured had sustained injuries on 29.07.2026, whereas the complainant subsequently changed the date and time of occurrence. The statements of witnesses, including Farman Ali and Manthar Ali Solangi, revealed that the injured had sustained an accidental firearm injury from the defence morcha situated near his house and that no outsider had entered the premises. It is further submitted that, upon completion of investigation, cancellation of the FIR under C-Class was recommended and approved by the SSP Dadu vide order dated 06.11.2026, while the matter was fixed before the learned Fourth Civil Judge and Judicial Magistrate, Dadu, on 10.11.2026.

4. Respondent No.1/SSP Dadu, in his comments, supports the police version and submits that the investigation has been completed and the case has been recommended for cancellation under C-Class.

5. Learned counsel for the private respondent raised the question of maintainability of the petition and prayed for its dismissal.

6. We have heard learned counsel for the petitioner and have perused the available record.

7. It appears that the controversy primarily revolves around the circumstances in which the injured Mithal Solangi sustained firearm injuries and the conflicting versions regarding the date, time and manner of occurrence. The medical record, admittedly, reflects that the injured was brought for medical treatment on 29.07.2026, whereas the occurrence has been described in the FIR as having taken place on 30.07.2026. The police, on the basis of statements recorded during investigation, have recommended cancellation of the case under C-Class. However, such recommendation, even if approved by the SSP, does not by itself terminate the criminal proceedings or absolve the nominated accused of the allegations levelled against them.

8. It is a settled principle of criminal law that where an occurrence involves bodily injuries, particularly firearm injuries, the question as to how, when and under what circumstances such injuries were sustained requires proper determination by the competent criminal court.

9. The police opinion regarding the accidental nature of the injuries, or the alleged falsity of the prosecution version, cannot be treated as conclusive. The medical evidence, ocular account, statements of witnesses and other material collected during investigation are matters to be assessed by the competent Magistrate in accordance with law. The cancellation report submitted under C-

Class is, therefore, subject to judicial scrutiny and acceptance or rejection by the competent Magistrate.

10. In these circumstances, this Court, in exercise of its constitutional jurisdiction, would not undertake an appraisal of disputed questions of fact or substitute its opinion for that of the investigating agency and the competent criminal court. The petitioner may raise all available pleas and objections before the learned trial Magistrate, who shall independently examine the cancellation report and the material accompanying it and pass an appropriate order strictly in accordance with law, without being influenced by the observations made herein.

11. Consequently, the instant petition, being premature at this stage, is disposed of with the above directions.

J U D G E

J U D G E

Irfan Ali