IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Misc. Application No. S- 415 of 2026

Applicant:	Muhammad Ali son of Muhammad Shareef Mahar through Mr. Shafique Ahmed Khan, Advocate.
Respondent:	Through Mr. Rukhsar Ahmed Junejo, Advocate.
Respondents:	State through Mr. Khalil Ahmed Maitlo, D.P.G.
Date of hearing & Order:	**16.11.2026.**

O R D E R.

Suresh Kumar, J,- Through this Criminal Misc. Application applicant Muhammad Ali Mahar has impugned order dated 15.06.2026 in Criminal Misc Application No. 1258/2026 thereby application was allowed. Being aggrieved from the impugned order, applicant has preferred this Criminal Misc. Application.

2. Learned counsel for applicant has mainly contended that impugned order passed by learned Ex-officio Justice of Peace/Additional Sessions Judge-IV (H) Sukkur is against the law and principles of natural justice. He also contended that deceased Ahmeduddin committed suicide but respondent No.3 has managed a false story for registration of FIR. He has also conteded that prior to filing of present application another application was withdrawan and not pressed vide order dated 23.10.2025. He lastly contended that impugned order be set aside and application under section 22-A B be allowed.

3. While learned DPG for State has supported the impugned order and contended that first application was withdrawn as post mortem was not conducted and after the post mortem application filed application which was

rightly allowed while counsel for respondent No.4 has also supported the impugned order and adopted the same arguments of learned DPG.

4. I have heard learned counsel for applicant, learned D.P.G for State and perused the material available on record.

5. Having given due consideration to the arguments of learned counsel for the applicant, learned D.P.G for State. From the perusal of record it reveals that learned trial Court has passed the following order:-

> *" Official respondent/SHO P.S Sangrar also submitted report in which he mentioned that on 28.08.2025 Lal Khan has submitted application to him that proposed accused have committed murder by giving poison due to dispute over amount, thereafter police enquired the matter and recorded statement of witnesses and they come on conclusion that deceased had taken poison and committed suicide.*
>
> *It appears that deceased has been passed away due to taking poison Benzodiazepine, such exhumation report also issued by medical board on 23.04.2026, same is placed on record.*
>
> *It appears that serious allegations have been levelled by the application against proposed accused which requires proper enquiry/investigation.*
>
> *It is well settled law that on information of cognizable offence, SHO is bound by law to record the statement of informant and if cognizable offence is made out then incorporate the same on FIR Book U/S 154 Cr.P.C and take legal action as required by law.*
>
> *Keeping in view of above facts and reasons I do hereby allow the instant application with direction to SHO PS Sangrar to record the statement of applicant and if cognizable offence is made out then take legal action in accordance with law."*

6. From bare reading of above order it reveals that learned Ex-officio Justice of Peace has relied upon the report as well as contents of application.

From available record it also reveals that deceased has passed away due to poison and allegation requires proper investigation. No any illegality has been pointed out by the counsel for applicant. Since deceased died due to unnatural death, therefore, matter is serious and requires investigation. Even otherwise SHO is bound to register FIR if a cognizable offence is made out from the contents of allegations levelled in the application/complaint.

7. In view of above facts and circumstances, I am of considered view that Criminal Misc. Application filed by applicant merits no consideration which is accordingly dismissed and the impugned order is maintained with modification that I.O will not arrest proposed accused till collection of incriminating material against proposed accused.

The Criminal Misc. Application is disposed of in the above terms.

Irfan JUDGE