ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Misc. Application No. S- 336 of 2026
(Mai Najeeb versus State and another)

Date of hearing	Order with signature of Judge

For hearing of main case.

02.09.2026

Mr. Shabbir Ali Bozdar, Advocate for Applicant.
Mr. Gulzar Ali Malano, A.P.G

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Suresh Kumar,J. Through instant Crl Misc. Application under section 561-A Cr.P.C, the applicant has impugned the order dated 04.05.2026 passed by learned Additional Sessions Judge-1/Ex-officio Justice of Peace, Ghotki in Cr.Misc. Application No.784/2026 Re. Mai Najeeb v SHO P.S Adilpur and another, thereby dismissing the application under section 22-A-6(i) Cr.P.C for registration of FIR under section 154 Cr.P.C.

2. The facts as per the record are that the proposed accused, namely: SHO Zaheer Ahmed Bhutto, ASI Abdul Jabbar Pathan, PC Nazar Muhammad, PC Sarfraz Ahmed, and PC Munawar Chachar, with official weapons, trespassed into the house of the applicant and forcibly took away 200 mounds of wheat, half a tola of gold in the form of ornaments, cash amounting to Rs. 3000/-, five solar plates, two cocks, and hens in a police mobile and in a rickshaw. Thereafter, the applicant approached the Duty Officer for the registration of an FIR, which was not availed to her Subsequently, she filed a Criminal Miscellaneous Application, which was dismissed by order dated 04.05.2026.

3. I have heard the learned counsel for the applicant, the learned DPG, as well as the proposed accused Nos. 1 to 5, who are present in

person. Proposed accused No. I has also filed a written statement along with the relevant documents.

4. The learned counsel for the applicant has contended that the impugned order passed by the learned Additional Sessions Judge is against the law and natural justice. He has also contended that the police are bound to register an FIR for a cognizable offence as established forum the contents of the complaint. Lastly, he has contended that the learned Additional Sessions Judge/Justice of Peace did not apply his judicial mind while passing the impugned order regarding the offence committed by the proposed accused.

5. 5. Learned APG has supported the impugned order and he has also contended that applicant/complainant has filed present application for registration of FIR with malafide intention and ulterior motive. He has further contended that so many FIRs were registered against close relatives of applicant as they are absconders or facing trial. He has also contended that application has been filed only to pressurize proposed accused not to arrest and take action against absconding accused.

6. Respondents Nos. 1 to 5 have supported the impugned order, as well as the arguments advanced by the APG and the relevant documents filed by them through respondent No. 1.

7. Having given due consideration to the arguments advanced by the respective counsels and the proposed accused who appear in person, I have also perused the impugned order. From the perusal of the enquiry report submitted before the Justice of Peace, which has been relied upon by him while passing the impugned order, it reveals that the close relatives of the applicant/complainant are proclaimed offenders and are involved in various criminal cases, including offences of robbery, theft and murder. Moreover, SIP Zaheer Ahmed / respondent No. 1 has

produced the relevant records and FIRs registered against the close relatives of the applicant. Apparently, there is malafide intent on the part of the complainant to pressure the proposed accused not to take action against those involved in various criminal cases and criminal activities, including the offence of robbery, etc. The Ex-officio Justice of Peace has the authority to decline a request for the registration of an FIR when the application is found to be motivated by malafide. No doubt, the Justice of Peace should not conduct a trial before the trial regarding the veracity of the allegations levelled in the application, but he is duty-bound to "pierce the veil to prevent the misuse of the criminal justice system. The Honurable Supreme Court in the case of Munawar Alam Qurban Ali Malano (2024SCMR 985) has held that there are many precedents regarding misuse of provisions of Section 22-A and 22-B Cr.P.C and it is the prime duty of the court that such misuse be taken care and application filed should not be lightly entertained and decided in a mechanical manner for issuing directions to the police. Similar view has been taken by Honourable Supreme Court in the case of Jamal Khan v Secretary Home department (2021 SCMR 468).

8. Moroever, the Honourable Supreme Court in the case of Younis Abbass v. Additional sessions Judge Chakwal (PLD 2016 581) has held that functions of Ex-officio Justice of Peace performs, are not executive, administrative or miniterial inasmuch as he does not carry out, manage or deal with things mechanically. His functions are described in Clause (i) (ii) and (iii) of Sub-section 6 of Section 22-A Cr.P.C, are quasi-judicial as he entertains applications, examine the record, hears the parties, passes orders and issue directions with due application of mind. Every list before him demands discretion and judgment.

9. For the reasons stated above and the guidance taken from the cited case law, I am of the considered view that the applicant has filed the present application with malafide intention; therefore, the impugned order is maintained. Consequently, the Criminal Miscellaneous Application is dismissed.

J U D G E

Irfan

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Misc. Application No. S- 713 of 2024

Date of hearing	Order with signature of Judge

For hearing of main case.

09.01.2025.

Syed Sardar Ali Shah, Additional Prosecutor General.

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Mr. Abdul Haseeb Khuhro, Advocate files vakalatnama on behalf of applicant, taken on record. He seeks time for preparation. Mr. Ajeebullah Junejo Advocate once again seeks time to file vakalatnama on behalf of remaining proposed accused. Time is allowed.

Adjourned to **03.02.2025.**

J U D G E

Irfan/PA

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Misc. Application No. S- 614 of 2024

Date of hearing	Order with signature of Judge

For hearing of main case.

09.01.2025.

Mr. Ghulam Nabi Chadhar, Advocate for Applicant.
Mr. Manzoor Hussain Chohan, Advocate for Respondents.
Syed Sardar Ali Shah, Additional Prosecutor General.

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It is pointed out that Criminal Misc. Application No. S-537/2024 arising out of same facts is pending adjudication before this Court. Office is directed to tag Criminal Misc. Application No. S-537/2024 along with this Criminal Misc. Application before the same bench.

Adjourned to **30.01.2025.**

J U D G E

Irfan/PA

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Appeal No. S- 45 of 2024
Criminal Appeal No. S- 55 of 2024
Cr. Acq. Appeal No. S-61 of 2023

Date of hearing	Order with signature of Judge

1. For orders on MA No.2236/2024 (426)
2. For hearing of main case.

08.01.2025.

Mr. Shabbir Ali Bozdar, Advocate for Appellant in Cr. Acq. Appeal No.S-61/2023.

Syed Sardar Ali Shah, Additional Prosecutor General.

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None present for appellant in Criminal Appeal Nos.S-45 of 2024 and S-55 of 2024. Respondent No.2 Mst. Izzat Begum Ujjan in Criminal Appeal No. S-45 and S-55 of 2024 is present and submits that her counsel is out of station and seeks time to bring her counsel Time is allowed.

Adjourned to **03.02.2025.** *Office is directed to place a signed copy of this order in the captioned connected matters.*

J U D G E

Irfan/PA

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Jail Appeal No. S- 06 of 2024

Date of hearing	Order with signature of Judge

For hearing of main case.

08.01.2025.

Mr. Rukhsar Ahmed Junejo, Advocate for the Appellant.
Syed Sardar Ali Shah, Additional Prosecutor General.

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Complainant Ikram Ali is present and submits that he would not engage his counsel as being confident with Additional Prosecutor General. Counsel for appellant seeks time for preparation.

Adjourned to **03.02.2025.**

J U D G E

Irfan/PA

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Jail Appeal No. S- 06 of 2024

Date of hearing	Order with signature of Judge

For hearing of main case.

08.01.2025.

Mr. Rukhsar Ahmed Junejo, Advocate for the Appellant.
Syed Sardar Ali Shah, Additional Prosecutor General.

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Complainant Ikram Ali is present and submits that he would not engage his counsel as being confident with Additional Prosecutor General. Counsel for appellant seeks time for preparation.

Adjourned to **03.02.2025.**

J U D G E

Irfan/PA

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Misc. Application No. S- 786 of 2023

Date of hearing	Order with signature of Judge

Hearing of case.

1. For orders on MA No. 6606/2023 (U/A)
2. For hearing of main case.

08.01.2025.

Mr. Noor Hassan Malik, Advocate for applicant.

Syed Sardar Ali Shah, Additional Prosecutor General.

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Mr. Achar Khan Gabol advocate for private respondents Nos. 2 to 10 is stated to be busy before another bench. Repeat notice to remaining respondents.

Adjourned to **03.02.2025.**

J U D G E

Irfan/PA

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Misc. Application No. S- 786 of 2023

Date of hearing	Order with signature of Judge

Hearing of case.

3. For orders on MA No. 6606/2023 (U/A)
4. For hearing of main case.

08.01.2025.

Mr. Noor Hassan Malik, Advocate for applicant.

Syed Sardar Ali Shah, Additional Prosecutor General.

****

Mr. Achar Khan Gabol advocate for private respondents Nos. 2 to 10 is stated to be busy before another bench. Repeat notice to remaining respondents.

Adjourned to **03.02.2025.**

J U D G E

Irfan/PA