ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Misc. Application No. S- 191 of 2025
(Haji Ameer Ali Chang versus The State & others)

Date of hearing	Order with signature of Judge

1. For Orders on office objection.
2. For hearing of main case.

18-11-2026.

Applicant Haji Ameer Ali Chang in person.

Mr. Mansoor Ahmed Shaikh, Deputy P.G for the State.

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Suresh Kumar,J. Through instant Crl Misc. Application under section 561-A Cr.P.C, the applicant has impugned order dated 17-03-2025 passed by learned Additional Sessions Judge/Ex-officio Justice of Peace, Gambat in Cr. Misc. Application No.641/2025 Re. Mehtab Ali Sahito Vs. The State through DPP Khairpur & others, thereby allowed the application under section 22-A & 22-B Cr.P.C filed by the respondent No. 4 for registration of FIR against the present applicant and others.

2. The facts as per the record indicate that on 06-12-2024, the applicant, along with his maternal cousin Mujeeb-ur-Rehman, left in a Rivo car for Ranipur and also picked up Nauman Ali Sahito. Upon reaching Ranipur, they encountered Abdul Jabbar Memon, SHO PS Ranipur, along with Ameer Ali Chang, SHO PS Pir Jo Goth, PC Imam Bux, PC Babar Shah, and 12 unidentified police personnel, who allegedly robbed the applicant's party of two mobile phones and cash amounting to Rs. 300,000, while also demanding illegal gratification. On 08-12-2024, the applicant's party arrived in an Alto car, bringing Rs. 1,500,000 for the registration of the FIR, which they paid to the proposed accused Abdul Jabbar Memon, who then snatched the car and issued threats of murder to the applicant's party; however, their FIR was not registered.

3. I have heard the applicant in person, as well as learned APG for the State. While the respondent No. 4 remained absent despite issuance of notice.

4. The applicant has contended that the impugned order dated 17-03-2025, passed by the learned Ex-officio Justice of Peace/Additional Sessions

Judge, Gambat, is contrary to law and natural justice. He has also contended that the respondent No. 4, is involved in Crime No. 211/2024, offence u/s 324, 353, 411 PPC of PS Pir Jo Goth, therefore, has filed the application before the Ex-Officio Justice of Peace with mala fide intention, and he has tried to put undue pressure upon him and other police officials with mala fide intention. He has further contended that the inquiry report submitted by the Complaint Cell corroborates the version of the applicant, indicating that he is involved in the criminal case. Lastly, he has contended that the learned Ex-officio Justice of Peace/Additional Sessions Judge, Gambat did not apply his judicial mind while passing the impugned order issuing directions for the registration of the FIR.

5. Learned Deputy P.G. Sindh, has not supported the impugned order. He has further contended that the respondent No.4 being a criminal type of person was involved in Crime No. 211/2024 of PS Pir Jo Goth, therefore, respondent No. 4 has filed application before the Ex-Officio Just of Peace with mala fide intention only to pressurize the proposed accused.

6. Respondent No. 4 despite issuance of notice remained absent without intimation.

7. Having given due consideration to the arguments advanced by the applicant, learned Deputy Prosecutor General, and having perused the relevant material, it is revealed from the examination of the impugned order dated 17-03-2025 that the learned Ex-officio Justice of Peace/Additional Sessions Judge, Gambat has allowed the Criminal Miscellaneous Application under sections 22-A and 22-B of the Code of Criminal Procedure without appreciating the Police inquiry report.

8. From the perusal of the enquiry report submitted by the DSP (Complaint Cell) Khairpur before the Ex-Officio Justice of Peace Gambat, it reveals that a stolen Honda City car bearing No. AJG-587, required in Crime No. 509/2024, offence under Section 381-A PPC registered at PS Al-Falah Karachi, was recovered following an encounter with respondent No. 4 and two others, namely Mobeen Sahito and Bilawal Hassan. The inquiry further reveals that the present application has been filed with mala fide intention and that no incident mentioned in the application submitted by respondent No. 4 took place. Throughout the enquiry, the alleged charges could not be proven. It is well-settled law that the Ex-Officio Justice of Peace has the

authority to refuse to issue directions for the registration of an FIR if the application is found to be motivated by mala fides, as per the available record. In similar circumstances, the Honourable Supreme Court, in the case of Munawar Alam v. Qurban Ali Malano (2024 SCMR 985), has held that there are many precedents regarding the misuse of the provisions of Sections 22-A and 22-B Cr.P.C., and it is the prime duty of the Court to address such misuse; applications filed should not be lightly entertained or decided in a mechanical manner when issuing directions to the Police. A similar view has been taken by the Honourable Supreme Court in the case of Jamal Khan v. Secretary Home Department (2021 SCMR 468).

9. Moreover, the Honourable Supreme Court in the case of Yonis Abbas v. Additional sessions Judge, Chakwal (PLD 2016 581) has held that functions of Ex-official justice of Peace performs are not executive, administrative or ministerial 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 *lis* before him demands discretion and judgment.

10. In the present matter, the material demonstrates that respondent No. 4 filed application with malafide intention due to seizing of stolen vehicle from respondent No. 4 and two other which was required in Crime No. Crime No. 509/2024, offence u/s 381-A PPC registered at PS Al-Falah Karachi

11. For the reasons given above and guidance taken from the cited case law, the instant Crl. Misc. Application is allowed. Consequently the impugned order dated 17-03-2025, is set-aside, while application No.2204/2026 filed by the respondent No.4/complainant under section 22-A & 22-B Cr.P.C. is dismissed.

J U D G E

Nasim/PA