Sections 22-A and 22-B Cr.P.C. under Pakistani Law

The Ex-officio Justice of Peace and Registration of FIRs (2007–2026)

Adv. Syed Zeshan Hashmi, Advocate High Court, The Arbitrator & Law Associates, Peshawar

Abstract

This paper examines 64 reported judgments on sections 22-A and 22-B of the Code of Criminal Procedure — 17 of the Supreme Court of Pakistan and 47 of the Peshawar High Court, decided between 2007 and 2026 — collected on the Pakistan Law Site. It covers the police duty to register an FIR under section 154, the scope of the ex-officio Justice of Peace's power under section 22-A(6), the nature of that function and how orders are challenged, the grounds on which relief is refused, FIRs against police officials, second FIRs and rival versions, and what follows registration. The main finding is that registration of a cognizable case is a duty, not a discretion, and that the Justice of Peace examines only whether a cognizable offence is disclosed, without deciding the truth of the allegation. Since PLD 2016 SC 581 his function is treated as quasi-judicial, and the applicant is expected first to approach the police hierarchy; relief is refused in civil disputes, non-cognizable matters, good-faith official acts and mala fide counterblasts, and since PLD 2018 SC 595 a rival version is recorded in the existing case rather than in a second FIR.

Keywords: section 22-A Cr.P.C.; section 22-B; ex-officio Justice of Peace; section 25 Cr.P.C.; registration of FIR; section 154; cognizable offence; section 155; second FIR; police officials; quashing of FIR; Article 199; Peshawar High Court; Supreme Court of Pakistan.

1. Introduction

A criminal case in Pakistan begins with a first information report (FIR) under section 154 of the Code of Criminal Procedure, 1898 (Cr.P.C.). When the police refuse or delay registration, the aggrieved person's main remedy is an application to the Sessions Judge or Additional Sessions Judge acting as ex-officio Justice of Peace under sections 22-A and 22-B. These applications fill the cause lists of every Sessions Court in Khyber Pakhtunkhwa, and orders on them are routinely challenged in the Peshawar High Court.

The practical questions are these. Is the police officer bound to register an FIR, or may he first inquire? What exactly may the Justice of Peace examine, and must he hear the proposed accused? Is his function judicial, executive or something in between, and how is his order challenged? Can he order a second FIR, an FIR against police officials, or an FIR for a non-cognizable offence? When will courts refuse relief because the dispute is civil or the application is mala fide? The answers are drawn from the reported judgments of the Supreme Court of Pakistan and the Peshawar High Court.

2. Sources and Method

All research was done on the Pakistan Law Site only. Keyword searches (22-A, 22-B, Justice of Peace, ex-officio Justice of Peace, Justice of the Peace, Section 22-A, S.22-A(6), registration of FIR, registration of criminal case, direction to register FIR, refusal to register, second FIR, S.154 Cr.P.C., harassment by police and others) were run over all years. Results were filtered to the Supreme Court and the Peshawar High Court and screened for an actual holding on registration of FIRs or the powers of the Justice of Peace. For all 64 judgments kept, the reported text was opened on the site to take the bench, case number and date and to check the headnote against the operative part; where they differed, the operative part was followed. Several Supreme Court judgments arose from Lahore, Sindh or Balochistan; they are included because they bind every court in

Pakistan.

3. The Law in Phases

3.1 The framework

Section 154 requires the officer in charge of a police station to reduce to writing every information relating to the commission of a cognizable offence and enter its substance in the prescribed book; section 155 deals with non-cognizable offences, which the police may not investigate without a Magistrate's order. Section 25 makes every Sessions Judge and, on nomination, every Additional Sessions Judge an ex-officio Justice of Peace. Section 22-A(6), inserted in 2002, empowers him to issue appropriate directions to the police on complaints of (i) non-registration of a criminal case, (ii) transfer of investigation, and (iii) neglect, failure or excess by the police. Section 22-B sets out the duties of a Justice of Peace in aiding the police.

3.2 Registration under section 154 is a duty, not a discretion

The Supreme Court settled the point in PLD 2007 SC 539: recording an FIR is not a discretionary relief that an SHO may refuse because the informant has behaved badly. A crime is an offence against the State; the informant is no more than a witness; and an offender cannot escape because of the informant's faults. The Peshawar High Court has applied the same rule: "shall" in section 154 is mandatory (2024 PCr.LJ 722), refusal to register a cognizable case is neglect of duty (PLD 2008 Peshawar 53), and theft and destruction of property must be registered (2017 PCr.LJ Note 151).

Two consequences follow. First, delay is the State's problem, not the complainant's: where the SHO delays registration, it is presumed to have been done to benefit the accused, and the burden of explaining it lies on him (2026 SCMR 1798). Second, an FIR recorded only after a police inquiry loses its evidentiary value (PLD 2019 SC 64), and a case registered weeks later on the Justice of Peace's order, without proof that the police had earlier refused, can fail at trial for that reason (2019 SCMR 274).

3.3 What the Justice of Peace may examine

PLD 2007 SC 539 also fixed the scope of section 22-A(6): the Justice of Peace examines only whether the information discloses a cognizable offence and, if it does, directs the SHO to record an FIR without going into its truth. 2024 SCMR 1123 restated this: he is not to scrutinise the case or give findings on merits, and he is neither an investigator nor a prosecutor. The Peshawar High Court has said the same — the paramount question is whether a cognizable offence is alleged (PLD 2008 Peshawar 53), he cannot record statements on oath (2018 PCr.LJ 1051), he cannot direct insertion of a particular section in the FIR (2012 PCr.LJ 873), and he cannot step into the shoes of the investigating agency (2021 PCr.LJ 638).

Within that limit, the word "may" in section 22-A(6) leaves him a discretion, and the Supreme Court in PLD 2016 SC 581 required that, before acting, he satisfy himself that the police hierarchy has been approached and has failed to redress the grievance. Following that judgment, the Peshawar High Court has held that the proposed accused must be put on notice and that a mala fide application filed straight to the Justice of Peace against a police official should be refused (PLD 2019 Peshawar 154; 2019 MLD 1148). The Justice of Peace must also apply his mind to whether there is some prima facie material: where a death had already been examined under section 174 and the medical evidence pointed to suicide, an order directing an FIR was set aside (2024 PCr.LJ 1094).

3.4 Nature of his function and how his order is challenged

This has been the most contested question. In PLD 2014 SC 753 a three-member bench treated the order under section 22-A(6) as executive or administrative, so that it could not be challenged under section 561-A. Two years later a five-member bench in PLD 2016 SC 581 held the functions to be quasi-judicial, complementary to those of the police, and dissented from that characterisation; orders beyond his powers may be corrected by judicial review. Earlier Peshawar decisions that called the function ministerial or executive (2016 PCr.LJ 172; 2018 PCr.LJ 1051; 2021 PCr.LJ 638) must now be read in that light, and later Peshawar benches follow the quasi-judicial view (2019 MLD 1148). The Justice of Peace is still not a court: he cannot try an offence (PLD 2020 Peshawar 129), and a police officer who ignores his order cannot be convicted under section 228 PPC, because his proceedings are not judicial proceedings (2011 SCMR 1485).

In practice the challenge lies in a constitutional petition under Article 199 before the High Court, which the Peshawar benches entertain in all the cases collected here. The writ court will not substitute its own view of facts (2019 PCr.LJ 1260) and will not usually disturb an order directing an FIR where a cognizable offence is alleged (2009 PCr.LJ 1106; 2018 PCr.LJ 392). Conversely, a person who goes straight to the High Court without first approaching the Justice of Peace will be told that the section 22-A remedy must be used first (2018 YLR Note 153). Only the Justice of Peace, not a Magistrate, may direct registration: a Magistrate's direction on a private complaint was without jurisdiction and the FIR was quashed (2020 MLD 2071). The object of the section is to remedy police failure (2020 PCr.LJ 1155), and a Sessions Judge may act on a Civil Judge's report of a bribe taken in a judicial officer's name (2012 PCr.LJ 981). An order once made and left unchallenged remains operative; a further application on the same matter will not be entertained (PLD 2012 Peshawar 35).

3.5 When relief is refused

The courts refuse to direct an FIR where:

- **the dispute is civil in nature** (2021 SCMR 468; PLD 2010 SC 691, where the applicant had civil and private-complaint remedies); though a pending civil suit does not by itself bar an FIR (2019 PCr.LJ 1558; 2018 PCr.LJ 392);
- **no cognizable offence is disclosed** (2025 SCMR 1435; 2025 PCr.LJ 983; 2018 PCr.LJ Note 107);
- **the offence is non-cognizable**, in which case section 155 applies and no FIR can be directed (2021 PCr.LJ 66; PLD 2022 Peshawar 248, where an FIR for a non-cognizable offence was quashed);
- **officials acted within their lawful duty** without mala fide (2022 SCMR 576; 2023 PCr.LJ 608; 2020 YLR 1341);
- **a special forum has exclusive jurisdiction**, such as the Anti-Corruption Establishment for public servants (2018 PCr.LJ 50), a designated officer under a special law (2022 MLD 1517), or the FIA in its own cases (PLD 2025 Peshawar 206);
- **the claim rests on assertion without documents** (PLD 2018 Peshawar 65);
- **the application is mala fide or a counterblast** (2024 SCMR 985; 2023 PCr.LJ Note 36; 2012 YLR 1836), or the applicant's own accounts conflict (2016 PCr.LJ 1232).

The Supreme Court has warned against misuse of these sections (2024 SCMR 985), and the Peshawar High Court has imposed costs of Rs.50,000 on a frivolous petitioner (2022 MLD 1517).

3.6 FIRs against police officials

The power is real and is used. Where the complaint is against the SHO himself, the Justice of Peace may direct the District Police Officer to proceed under section 154 (2019 MLD 7). Where police claimed an encounter but all the injuries were on the civilians, registration was directed and investigation given to the Crime Branch (2012 PCr.LJ 1797). Where a DPO gave no clear denial of an alleged illegal arrest and detention, an FIR was directed (2025 PCr.LJ 905). But an FIR is not ordered merely because a person was arrested or a police party kept the peace (2023 PCr.LJ Note 36; 2018 PCr.LJ Note 107), or where officials exonerated in an inquiry are accused without supporting material (2017 MLD 414). No office confers immunity: a senator was required to answer before the Justice of Peace (2020 SCMR 2037).

3.7 Second FIRs and rival versions

Until 2018 some Supreme Court decisions of 2001 and 2005 allowed further FIRs in certain circumstances. In PLD 2018 SC 595 a seven-member bench held that once an FIR is registered the matter is a "case", and every further version, however different, is recorded by the investigating officer under section 161 in that same case; no separate FIR is to be registered. The Peshawar High Court has applied this (2021 PCr.LJ 943; 2019 YLR 1838, holding that the investigating officer must investigate every version). Peshawar decisions before 2018 that directed second or separate FIRs (2017 PCr.LJ 617; 2016 PCr.LJ Note 53) should be read subject to that ruling. A cross-version pressed by an applicant who then avoids the investigation will not be believed (2026 MLD 354). This topic is treated in detail in our separate paper on cross versions.

3.8 After registration

An FIR registered on the Justice of Peace's order is an ordinary FIR. The High Court has no power under section 561-A to quash an FIR or an investigation; that inherent power reaches only judicial proceedings (PLD 2023 SC 265). Under Article 199 an FIR can be quashed only in exceptional cases — where the record shows no offence, or registration is a misuse of authority (PLD 2025 SC 254) — and not prematurely, before investigation has tested it (2022 PCr.LJ 1788). Registration does not mean arrest (2017 PCr.LJ 96), and the Justice of Peace may still act under section 22-A(6)(iii) during investigation where police neglect or excess is shown (PLD 2008 Peshawar 1). A complainant who later says he named the wrong accused bears the burden of proving the mistake (2020 MLD 1159), and after acquittal in the case registered on the Justice of Peace's order, a private complaint on the same facts cannot proceed (2018 MLD 2089).

4. Where the Authorities Conflict or Leave a Gap

4.1 Executive or quasi-judicial? PLD 2014 SC 753 treated the order under section 22-A(6) as executive; PLD 2016 SC 581, a larger bench, held it quasi-judicial and dissented from that view. Peshawar judgments between 2015 and 2020 still describe the function as ministerial (2016 PCr.LJ 172; 2018 PCr.LJ 1051; 2021 PCr.LJ 638). The larger bench prevails, but the label matters less than the rule both lines share: the Justice of Peace may not examine the merits.

4.2 Must the proposed accused be heard? PLD 2019 Peshawar 154 requires notice to the person against whom the FIR is sought; 2019 MLD 1148 says there is no bar on hearing him. PLD 2007 SC 539 and 2024 SCMR 1123, on the other hand, confine the Justice of Peace to the face of the application. Whether notice is mandatory in every case, or only where the proposed accused is a public servant or mala fide is suggested, has not been decided by the Supreme Court.

4.3 Must the police hierarchy be approached first? PLD 2016 SC 581 stated this as a precondition for directions on change of investigation, and PLD 2019 Peshawar 154 applied it to registration. Other Peshawar decisions direct FIRs without discussing it. Applicants should assume the requirement applies.

4.4 Second FIRs before and after 2018. PLD 2018 SC 595 departed from the 2001 and 2005 Supreme Court decisions that had allowed further FIRs. Earlier Peshawar orders for separate FIRs (2016 PCr.LJ Note 53; 2017

PCr.LJ 617) are inconsistent with it, and the later Peshawar decisions (2021 PCr.LJ 943) follow it.

4.5 Delay. 2026 SCMR 1798 presumes that a police delay favours the accused and puts the burden on the police; 2019 SCMR 274 treated a forty-day delay before a Justice of Peace's order as fatal to the prosecution where the earlier refusal was not proved. The two are consistent, but they make it essential for a complainant to prove each approach to the police.

5. Practical Guide

5.1 For the complainant (or his counsel)

- **Approach the police in writing first** — the SHO, then the DPO or other senior officer — and keep copies and receipts. It answers the "hierarchy" objection (PLD 2016 SC 581; PLD 2019 Peshawar 154) and later proves that delay was the police's fault (2019 SCMR 274; 2026 SCMR 1798).
- **Plead the facts that make the offence cognizable** — date, time, place, weapon, injuries, loss — and attach any medico-legal report. Do not argue the evidence; the Justice of Peace does not decide it (PLD 2007 SC 539; 2024 SCMR 1123).
- **Show why the dispute is criminal, not civil**, especially where land, money or a cheque is involved (2021 SCMR 468; 2018 PCr.LJ 392).
- **Use the right forum**: the Anti-Corruption Establishment for corruption by public servants (2018 PCr.LJ 50), the FIA for its own cases (PLD 2025 Peshawar 206), and the Magistrate under section 155 for non-cognizable offences (2021 PCr.LJ 66).
- **If an FIR already exists for the occurrence, ask for your version to be recorded under section 161** in the same case, not for a second FIR (PLD 2018 SC 595; 2021 PCr.LJ 943).
- **If relief is refused, file a constitutional petition** promptly; if the matter is weak, consider a private complaint instead (2016 PCr.LJ 1232).

5.2 For the proposed accused (or his counsel)

- **Ask to be heard** and file a reply with documents (PLD 2019 Peshawar 154; 2019 MLD 1148).
- **Show the civil nature, mala fide or counterblast** — earlier FIRs between the parties, pending suits, timing (2024 SCMR 985; 2023 PCr.LJ Note 36).
- **For officials, show the lawful duty** being performed and the absence of personal motive (2022 SCMR 576; 2023 PCr.LJ 608).
- **Challenge an adverse order by writ, not under section 561-A** (PLD 2014 SC 753; PLD 2023 SC 265), and do not expect the FIR to be quashed before investigation unless no offence is made out (2022 PCr.LJ 1788; PLD 2025 SC 254).

5.3 For the Justice of Peace

- **Ask one question**: does the application disclose a cognizable offence? If yes, direct registration; if not, say so briefly.
- **Call for the police report and note the steps taken by the applicant** with the police hierarchy.
- **Do not record evidence, decide the truth, or name sections**; leave that to investigation and the Magistrate (2018 PCr.LJ 1051; 2012 PCr.LJ 873).

6. Conclusion

The case law on sections 22-A and 22-B is anchored in two Supreme Court decisions. PLD 2007 SC 539 holds that registration of an FIR is a duty, and that the Justice of Peace only checks whether a cognizable offence is disclosed. PLD 2016 SC 581 adds that his function is quasi-judicial and that he should act only after the police hierarchy has failed the applicant. Between them they give a remedy that is simple in principle: the Justice of Peace neither investigates nor tries, but he can make the police do what section 154 already requires.

The Peshawar High Court has used the remedy against police officials themselves, while refusing it in civil disputes, non-cognizable matters, official acts done in good faith and mala fide counterblasts, and it has begun to impose costs for abuse. Since PLD 2018 SC 595, a rival version goes into the existing case rather than a new FIR. For practitioners, most applications are won or lost on two things: whether the facts pleaded make out a cognizable offence, and whether the applicant can show that he went to the police first.

Annexure A — The Judgments in Question and Answer Form

All 64 judgments relied on, Supreme Court first and then the Peshawar High Court, newest first within each court. Each entry gives the citation, parties, bench, case number and date of decision as reported on the Pakistan Law Site, followed by the question decided and the answer. Every entry was checked against the full reported text.

Supreme Court

1. 2026 SCMR 1798 — Muhammad Bux alias Shahzaib v. The State

Before: Muhammad Hashim Khan Kakar, Salahuddin Panhwar and Ishtiaq Ibrahim, JJ; Criminal Petition No. 1021 of 2021, decided 30 January 2026

Q. What is presumed when the SHO delays registering an FIR?

A. That the delay was caused to benefit the accused, unless the police official proves otherwise; the burden lies on him.

2. 2025 SCMR 1435 — Mst. Madiha Bano v. Senior Superintendent of Police

Before: Irfan Saadat Khan and Muhammad Shafi Siddiqui, JJ; Criminal Petition No. 149-K of 2024, decided 25 March 2025

Q. Will the Supreme Court interfere where two forums found no cognizable offence in a 22-A application?

A. No. The grievance (dropping from a class for poor performance) disclosed no cognizable offence; other remedies were left open. Petition dismissed.

3. PLD 2025 SC 254 — The State v. Chaudhry Mohammad Khan

Before: Yahya Afridi, Syed Hasan Azhar Rizvi and Shahid Waheed, JJ; Civil Petitions Nos. 671-L and 672-L of 2017, decided 27 September 2024

Q. When may the High Court quash an FIR in writ jurisdiction?

A. Only in exceptional cases: where the record shows that no offence can be made out, or the registration reflects misuse of authority or lacks legal justification. The quashing order was set aside.

4. 2024 SCMR 985 — Munawar Alam Khan v. Qurban Ali Mallano

Before: Munib Akhtar and Syed Hasan Azhar Rizvi, JJ; Criminal Petition No. 31-K of 2022, decided 8 April 2024

Q. How should courts treat applications under sections 22-A and 22-B?

A. Misuse must be checked; such applications are not to be lightly entertained, and mala fide on the applicant's part was noted. Leave declined.

5. 2024 SCMR 1123 — Syed Qamber Ali Shah v. Province of Sindh

Before: Muhammad Ali Mazhar and Irfan Saadat Khan, JJ; Criminal Petition No. 99-K of 2018, decided 2 April 2024

Q. How far may the Justice of Peace examine the merits?

A. Not at all. He must only see whether the facts disclose a cognizable offence and, if so, direct that the statement be recorded under section 154; he is not an investigator or prosecutor. His order was restored. Appeal allowed.

6. PLD 2023 SC 265 — F.I.A. v. Syed Hamid Ali Shah

Before: Syed Mansoor Ali Shah and Ayesha A. Malik, JJ; Constitutional Petition No. 1257 of 2020, decided 6 February 2023

Q. Can the High Court quash an FIR or investigation under section 561-A?

A. No. Section 561-A reaches only judicial proceedings pending before a court; an FIR or investigation can be challenged, if at all, under Article 199.

7. 2022 SCMR 576 — Ikram Ullah Khan Yousafzai, Excise and Taxation Officer v. Dr. Rizwan Ullah

Before: Mazhar Alam Khan Miankhel, Qazi Muhammad Amin Ahmed and Amin-ud-Din Khan, JJ; Civil Petition No. 2420 of 2015, decided 10 February 2022

Q. Should an FIR be directed against officials executing a tax warrant?

A. No. They acted, prima facie, within the bounds of law; rowdy behaviour alone did not make out an offence. The direction was set aside, leaving the respondent to a private complaint. Appeal allowed.

8. 2021 SCMR 468 — Jamal Khan v. Secretary Home Department

Before: Mushir Alam and Qazi Muhammad Amin Ahmed, JJ; Civil Petition No. 69-Q of 2015, decided 9 September 2020

Q. Is refusal to direct an FIR proper where the dispute is civil in nature?

A. Yes. The police report did not support the claim and the parties were locked in a civil dispute. Leave declined.

9. 2020 SCMR 2037 — Abdul Rehman Malik v. Synthia D. Ritchie

Before: Mushir Alam, Yahya Afridi and Qazi Muhammad Amin Ahmed, JJ; Civil Petition No. 2231 of 2020, decided 30 September 2020

Q. Can a senator claim immunity from proceedings before a Justice of Peace?

A. No. He has all statutory safeguards but no immunity because of office; the matter was rightly remitted to the Justice of Peace. Leave declined.

10. PLD 2019 SC 64 — Mst. Asia Bibi v. The State

Before: Mian Saqib Nisar, CJ, Asif Saeed Khan Khosa and Mazhar Alam Khan Miankhel, JJ; Criminal Appeal No. 39-L of 2015, decided 8 October 2018

Q. What is the value of an FIR lodged after an inquiry?

A. It loses its evidentiary value. The appellant was acquitted.

11. 2019 SCMR 274 — Altaf Hussain v. The State

Before: Manzoor Ahmad Malik and Syed Mansoor Ali Shah, JJ; Criminal Appeal No. 62-L of 2018, decided 27 November 2018

Q. What follows when a case is registered on the Justice of Peace's order forty days after the occurrence?

A. The unexplained delay, and the unproved claim that police had refused to register it, weakened the prosecution; the appellant was acquitted.

12. PLD 2018 SC 595 — Mst. Sughran Bibi v. The State

Before: Asif Saeed Khan Khosa, ACJ, Mushir Alam, Maqbool Baqar, Manzoor Ahmad Malik, Sardar Tariq Masood, Mazhar Alam Khan Miankhel and Sajjad Ali Shah, JJ; Human Rights Case No. 10842-P of 2018, decided 23 May 2018

Q. Can a second FIR be registered for the same occurrence?

A. No. After an FIR the matter is a 'case'; every further version is recorded under section 161 in the same case. 2001 SCMR 1556 and PLD 2005 SC 297 were not followed.

13. PLD 2016 SC 581 — Younas Abbas v. Additional Sessions Judge, Chakwal

Before: Anwar Zaheer Jamali, CJ, Mian Saqib Nisar, Ejaz Afzal Khan, Mushir Alam and Manzoor Ahmad Malik, JJ; Civil Appeal No. 1491 of 2013 and connected matters, decided 12 February 2016

Q. What is the nature of the Justice of Peace's functions under section 22-A(6)?

A. Quasi-judicial, not executive or ministerial; they complement the police. Orders beyond his powers can be judicially reviewed, and before changing investigation he must see that the police hierarchy has not redressed the grievance.

14. PLD 2014 SC 753 — Muhammad Ali v. Additional I.G., Faisalabad

Before: Mian Saqib Nisar, Asif Saeed Khan Khosa and Sh. Azmat Saeed, JJ; Criminal Petition No. 478-L of 2014, decided 16 July 2014

Q. Can a 22-A(6) order be challenged under section 561-A?

A. No. The Court treated it as an executive order outside section 561-A; the petition was not maintainable. Leave refused. (Its characterisation was dissented from in PLD 2016 SC 581.)

15. 2011 SCMR 1485 — Rab Nawaz v. The State

Before: Mahmood Akhtar Shahid Siddiqui and Asif Saeed Khan Khosa, JJ; Criminal Appeal No. 30-L of 2011, decided 21 June 2011

Q. Can a police official be convicted under section 228 PPC for disobeying the Justice of Peace?

A. No. Those proceedings are not judicial proceedings; conviction set aside. Appeal allowed.

16. PLD 2010 SC 691 — Rai Ashraf v. Muhammad Saleem

Before: Khalil-ur-Rehman Ramday and Ch. Ijaz Ahmed, JJ; Civil Petition No. 1398-L of 2009, decided 9 September 2009

Q. Should an FIR be directed in a property dispute where civil remedies exist?

A. No. The applicant had civil remedies and a private complaint; the application was mala fide. High Court order set aside.

17. PLD 2007 SC 539 — Muhammad Bashir v. Station House Officer

Before: Khalil-ur-Rehman Ramday and Raja Fayyaz Ahmad, JJ; Civil Petition No. 512-L of 2006, decided 20 April 2006

Q. What is the scope of the Justice of Peace's power, and may an SHO refuse an FIR?

A. Registration is not discretionary; the Justice of Peace only checks whether a cognizable offence is disclosed and, if so, directs the SHO to record the FIR without going into its truth.

Peshawar High Court

18. 2026 MLD 354 — Said Fareen v. The State

Before: Sabit Ullah Khan and Salah-ud-Din, JJ; Writ Petition No. 1109-M of 2024, decided 16 July 2025

Q. Is a counter-version pressed through section 22-A credible when the applicant avoids the investigation?

A. No. He did not appear before the investigating officer or the JIT; the cross-version looked fabricated. Petition dismissed.

19. PLD 2025 Peshawar 206 — Abdul Waqeel v. The State

Before: Dr. Khurshid Iqbal and Inam Ullah Khan, JJ; Writ Petition No. 351-D of 2024, decided 13 March 2025

Q. Can the Justice of Peace direct local police to record a cross-version in a case registered by the FIA?

A. No. The agencies work in different spheres; the orders were set aside, leaving a private complaint. Petitions allowed.

20. 2025 PCr.LJ 983 — Zeeshan v. The State

Before: Muhammad Ijaz Khan and Muhammad Faheem Wali, JJ; Writ Petition No. 309-A of 2024, decided 23 October 2024

Q. Can an FIR be directed against a Naib Court on an application disclosing no cognizable offence?

A. No. The order was set aside; the complainant may use another remedy. Petition allowed.

21. 2025 PCr.LJ 905 — Tamrez v. DPO Nowshera

Before: Wiqar Ahmad and Dr. Khurshid Iqbal, JJ; Writ Petition No. 2674-P of 2024, decided 29 November 2024

Q. What if police are alleged to have illegally picked up and detained a person?

A. Where the DPO gives no clear denial, an FIR must be directed; the 22-A(6) application was accepted. Petition allowed.

22. 2024 PCr.LJ 722 — Muhammad Sohail v. Station House Officer

Before: Lal Jan Khattak, S M Attique Shah and Syed Arshad Ali, JJ; Writ Petition No. 1212-P of 2021, decided 1 February 2022

Q. Is section 154 mandatory?

A. Yes. 'Shall' means the police must register an FIR when a cognizable offence is reported. Petition dismissed.

23. 2024 PCr.LJ 1094 — Wajid Usman v. Qabil Khan

Before: Syed Arshad Ali and Fazal Subhan, JJ; Writ Petition No. 2957-P of 2023, decided 16 August 2023

Q. May the Justice of Peace order an FIR in an apparent suicide already examined under section 174?

A. He must apply his mind and find some prima facie material; the order for registration was set aside. Petition allowed.

24. 2023 PCr.LJ Note 36 — Rafaqat Ali v. Ahmad Jan, SHO

Before: Ijaz Anwar and Syed Arshad Ali, JJ; Writ Petition No. 5032-P of 2020, decided 12 November 2021

Q. Should an FIR be directed against an SHO on an allegation that looks like a counterblast?

A. No. The refusal was upheld. Petition dismissed.

25. 2023 PCr.LJ 608 — Zulfiqar, Additional SHO, Jamrud v. Zulfat Shah

Before: Shakeel Ahmad and Shahid Khan, JJ; C.M. No. 1521-P in W.P. No. 2194-P of 2022, decided 15 August 2022

Q. Can officials who seized currency at the border in the course of duty be booked under 22-A?

A. No. Without mala fide they had discharged official duty; the order was set aside. Petition allowed.

26. PLD 2022 Peshawar 248 — Peshawar High Court Bar v. The State

Before: Musarrat Hilali and Abdul Shakoor, JJ; Writ Petition No. 2206-P of 2022, decided 15 September 2022

Q. Can an FIR be registered and investigated for a non-cognizable offence?

A. No, not without the Magistrate's permission under section 155(2). The FIR was quashed. Petitions allowed.

27. 2022 PCr.LJ 1788 — Mehboob Ali v. The State

Before: Muhammad Naeem Anwar and Muhammad Ijaz Khan, JJ; Writ Petition No. 209-M of 2022, decided 1 March 2022

Q. Can an FIR registered on the Justice of Peace's order be quashed at once?

A. Not prematurely; the investigation must test it unless the record shows no offence. Dismissed in limine.

28. 2022 MLD 1517 — Baz Muhammad Khan v. The SP Chamkani, Peshawar

Before: Rooh-ul-Amin Khan and Ijaz Anwar, JJ; Writ Petition No. 3258-P of 2021, decided 1 February 2022

Q. What does the Court do about frivolous use of section 22-A?

A. Where only a designated officer could lodge the FIR, the refusal was upheld and Rs.50,000 costs imposed. Petition dismissed.

29. 2021 PCr.LJ 943 — Kaleem Ullah v. The State

Before: Rooh-ul-Amin Khan and Muhammad Nasir Mahfooz, JJ; Writ Petition No. 4586-P of 2020, decided 17 February 2020

Q. May the Justice of Peace order a separate FIR for the rival version of the same incident?

A. No. Following PLD 2018 SC 595, the version goes into the same case under section 161. Petition allowed.

30. 2021 PCr.LJ 66 — Mst. Gul Sanga v. The State

Before: Ahmad Ali, J; Criminal M.Q. No. 29-A of 2017, decided 27 February 2020

Q. Can the Justice of Peace order an FIR where the medical report shows a non-cognizable offence?

A. No. Section 155 applies; the order and all proceedings were quashed. Petition allowed.

31. 2021 PCr.LJ 638 — Qutab Khan v. District Police Officer

Before: Abdul Shakoor and Sahibzada Asadullah, JJ; Writ Petition No. 347-D of 2018, decided 7 October 2020

Q. Can the Justice of Peace interfere in an investigation?

A. No. He may direct observance of legal formalities but cannot step into the shoes of the investigating agency. Petition dismissed.

32. 2020 YLR 1341 — Azghar Khan v. Station House Officer

Before: Syed Arshad Ali and Wiqar Ahmad, JJ; Writ Petition No. 972-M of 2018, decided 11 November 2019

Q. Is an FIR due against officials who vacated a house on the Commissioner's orders?

A. No. The officials acted lawfully; refusal upheld. Petition dismissed.

33. PLD 2020 Peshawar 129 — Said Bakhshad v. The State

Before: Syed Arshad Ali and Wiqar Ahmad, JJ; Writ Petition No. 840-M of 2018, decided 25 February 2020

Q. Is the Justice of Peace a court?

A. No. He cannot try an offence; a validly registered FIR is not inquired into further in writ. Petition dismissed.

34. 2020 PCr.LJ 1155 — Attiq ur Rahman v. Station House Officer

Before: Musarrat Hilali and Ahmad Ali, JJ; Writ Petition No. 3450-P of 2015, decided 5 December 2019

Q. What is the object of section 22-A?

A. To remedy police failure to register cognizable cases; on the facts the dismissal of the application was valid. Petition dismissed.

35. 2020 MLD 2071 — Pehlwan Shah v. Liaqat Shah

Before: Shakeel Ahmad and Ahmad Ali, JJ; Writ Petition No. 352-A of 2014, decided 18 February 2020

Q. Can a Magistrate direct police to register a case on a private complaint?

A. No. That power lies only with the Justice of Peace; the order and FIR were quashed. Petition allowed.

36. 2020 MLD 1159 — Karim ul Hasan v. The State

Before: Syed Arshad Ali and Wiqar Ahmad, JJ; Writ Petition No. 718-M and Criminal Revision No. 105-M of 2019, decided 11 November 2019

Q. Can the Justice of Peace direct substitution of the accused's name?

A. On the facts the direction stood, but the complainant bears the burden of proving the bona fide mistake at trial. Petition dismissed.

37. 2019 YLR 1838 — Sajid Khan v. District Police Officer

Before: Muhammad Nasir Mahfooz, J; Writ Petition No. 232-B of 2017, decided 4 February 2019

Q. Must the investigating officer confine himself to the FIR version?

A. No. He must record and investigate every version and not commit himself prematurely. Petition dismissed with directions to the trial court.

38. PLD 2019 Peshawar 154 — Syed Abdul Hameed v. Mian Izhar Ahmad

Before: Ikramullah Khan and Ishtiaq Ibrahim, JJ; Writ Petition No. 2508-P of 2018, decided 16 January 2019

Q. Must the other side be heard, and must the police hierarchy be approached first?

A. Yes on both. The proposed accused must be put on notice; 'may' leaves discretion; a mala fide application against a police official was set aside. Petition allowed.

39. 2019 PCr.LJ 1558 — Faqir Khan v. Bakhtawar Jan

Before: Mohammad Ibrahim Khan and Shakeel Ahmad, JJ; W.P. No. 603-M of 2016, decided 9 May 2018

Q. Does a pending civil suit bar an FIR?

A. No. Civil and criminal proceedings may run side by side. Petition dismissed.

40. 2019 PCr.LJ 1260 — Gohar Ayub v. The State

Before: Muhammad Nasir Mahfooz and Shakeel Ahmad, JJ; Writ Petition No. 320-B of 2017, decided 6 March 2019

Q. Does an FIR by local police overlap an Anti-Corruption case?

A. Not here; both could proceed, and factual inquiry is not for the writ court. Petition dismissed.

41. 2019 MLD 7 — Andaz Khan v. Salma Gul

Before: Qalandar Ali Khan, J; Cr. M/QP No. 87-P of 2018, decided 12 October 2018

Q. Where the complaint is against the SHO himself, whom may the Justice of Peace direct?

A. The District Police Officer, to proceed under section 154. Petition dismissed.

42. 2019 MLD 1148 — Muhammad Younis v. District Police Officer

Before: Lal Jan Khattak and Syed Muhammad Attique Shah, JJ; Writ Petition No. 118-A of 2015, decided 22 November 2018

Q. May the Justice of Peace hear the proposed accused through counsel?

A. Yes. His functions are quasi-judicial (PLD 2016 SC 581) and there is no bar on hearing the other side. Petition dismissed.

43. 2018 YLR Note 153 — Kausar Shabir v. Station House Officer

Before: Muhammad Ghazanfar Khan and Ijaz Anwar, JJ; Writ Petition No. 3203-P of 2017, decided 30 August 2017

Q. Can a writ be filed for a second FIR without first approaching the Justice of Peace?

A. No. The section 22-A remedy must be used first; petition not maintainable.

44. PLD 2018 Peshawar 65 — Aman Ullah v. Station House Officer

Before: Mohammad Ibrahim Khan and Ishtiaq Ibrahim, JJ; Writ Petition No. 153 of 2017, decided 15 May 2017

Q. Should an FIR be directed under the Foreigners Act on an unproved claim?

A. No. The applicant produced no documents; refusal upheld. Petition dismissed.

45. 2018 PCr.LJ Note 107 — Muhammad Iqbal v. Station House Officer

Before: Rooh-ul-Amin Khan and Qalandar Ali Khan, JJ; W.P. No. 4180-P of 2015, decided 29 November 2017

Q. Is an FIR due against police providing protection and keeping the peace?

A. No. No damage or cognizable offence was shown. Petition dismissed.

46. 2018 PCr.LJ 50 — Haji Rooh-ul-Amin v. Saeed

Before: Waqar Ahmed Seth and Ishtiaq Ibrahim, JJ; W.P. No. 2710-P of 2015, decided 8 September 2016

Q. Can local police or the Justice of Peace deal with corruption by a public servant?

A. No. That lies with the Anti-Corruption Establishment. Petition dismissed.

47. 2018 PCr.LJ 392 — Firdous Aziz v. Asif Aziz

Before: Waqar Ahmad Seth and Ijaz Anwar, JJ; Writ Petition No. 2577-P of 2017, decided 21 September 2017

Q. Will the High Court disturb an order directing an FIR for a dishonoured cheque?

A. No. The allegations pointed to a cognizable offence and civil and criminal cases may proceed together. Dismissed in limine.

48. 2018 PCr.LJ 1051 — Khurshid Khan v. Mst. Asia

Before: Ishtiaq Ibrahim and Muhammad Nasir Mahfooz, JJ; W.P. No. 663-M of 2016, decided 8 November 2017

Q. Can the Justice of Peace record statements on oath?

A. No. If a cognizable offence is prima facie disclosed he must order registration without going into depth. Petition dismissed.

49. 2018 MLD 2089 — Fazal Rabi v. Akhtar Nawab

Before: Waqar Ahmad Seth and Shakeel Ahmad, JJ; W.P. No. 2516-P of 2017, decided 18 October 2017

Q. Can a private complaint be pursued on the same facts after acquittal in the FIR case registered on the Justice of Peace's order?

A. No. Acquittal under section 265-K was upheld. Dismissed in limine.

50. 2017 PCr.LJ Note 151 — Muhammad Iqbal v. The State

Before: Ikramullah Khan and Qalandar Ali Khan, JJ; W.P. No. 94-A of 2011, decided 16 May 2016

Q. Must police register an FIR for theft and destruction of property?

A. Yes; these are cognizable offences, and on police failure the Justice of Peace may issue directions.

51. 2017 PCr.LJ 96 — Samina Bukhari v. Muhammad Javed

Before: Lal Jan Khattak and Qalandar Ali Khan, JJ; W.P. No. 1067-A of 2015, decided 11 February 2016

Q. Does an FIR mean the accused must be arrested?

A. No. Arrest is not a requirement of a fair investigation. Disposed of.

52. 2017 PCr.LJ 617 — Mst. Madina v. DIG Police, Mardan

Before: Rooh-ul-Amin Khan and Lal Jan Khattak, JJ; W.P. No. 3578-P of 2016, decided 8 December 2016

Q. Can a widow obtain a second FIR where police coloured a murder as dacoity?

A. Yes, on those facts: second FIR directed and investigation given to another officer. Petition allowed.

53. 2017 MLD 414 — Rais Khan v. The State

Before: Mazhar Alam Khan Miankhel and Qaiser Rashid Khan, JJ; W.P. No. 2610 of 2011, decided 29 January 2014

Q. Should an FIR be directed against police officials exonerated in a departmental inquiry?

A. Not on the record before the court; refusal upheld. Petition dismissed.

54. 2016 PCr.LJ Note 53 — Rahat Zaman v. Mst. Fehmeeda

Before: Assadullah Khan Chamkani, J; Cr. Misc. Quashment Petition No. 62-P of 2015, decided 30 October 2015

Q. Can the mother of a deceased get a separate FIR against the complainant of the pending case?

A. Yes, on those facts; the High Court directed a separate FIR and independent investigation. Disposed of.

55. 2016 PCr.LJ 172 — Hamid v. Syed Sikandar Shah

Before: Mazhar Alam Khan Miankhel, CJ and Qalandar Ali Khan, J; Writ Petition No. 3054-P of 2013, decided 9 April 2015

Q. Is the Justice of Peace's order directing an FIR open to writ?

A. Treated as administrative; no jurisdictional defect, so not disturbed. Petitions dismissed.

56. 2016 PCr.LJ 1232 — Shamshad Alam Saha v. SHO

Before: Nisar Hussain Khan and Muhammad Younis Thaheem, JJ; W.P. No. 3862-P of 2015, decided 8 December 2015

Q. Is a counter-FIR due when the applicant's own accounts conflict?

A. No. The applicant should file a private complaint. Dismissed in limine.

57. 2012 YLR 1836 — Qadar Ullah v. S.H.O.

Before: Nisar Hussain Khan, J; Criminal Miscellaneous Application No. 44-B of 2011, decided 21 February 2012

Q. Is an accused who was arrested and injured by police entitled to a counter-case against the complainant's family?

A. No. The attempt appeared mala fide; refusal upheld.

58. PLD 2012 Peshawar 35 — Mst. Sahib Janey Bibi v. District Police Officer, D.I. Khan

Before: Syed Sajjad Hassan Shah, J; Criminal Miscellaneous Quashment Petition No. 142 of 2010, decided 20 July 2011

Q. Can repeated 22-A applications be made after an operative order?

A. The earlier orders, unchallenged, remained operative; the further petition was dismissed.

59. 2012 PCr.LJ 981 — Muhammad Ameer Khan v. Khisro Pervez

Before: Syed Sajjad Hassan Shah and Fazal-i-Haq Abbasi, JJ; Writ Petition No. 2297 of 2011, decided 4 October 2011

Q. Can a Sessions Judge direct an FIR on a Civil Judge's report of a bribe taken in a judicial officer's name?

A. Yes; the direction was upheld. Dismissed in limine.

60. 2012 PCr.LJ 873 — Muhammad Ismail v. The State

Before: Syed Sajjad Hassan Shah and Nisar Hussain Khan, JJ; Writ Petition No. 354 of 2011, decided 21 November 2011

Q. Can the Justice of Peace order insertion of a particular section in an FIR?

A. No; that touches the merits and is for the Magistrate. The direction to register, made on remand, was upheld.

61. 2012 PCr.LJ 1797 — Asal Jan Khan v. The State

Before: Nisar Hussain Khan and Qaiser Rashid Khan, JJ; Writ Petitions Nos. 28-B and 29-B of 2012, decided 6 June 2012

Q. Where police claim an encounter but all injuries are on the civilians, can an FIR be directed against police?

A. Yes; registration was directed and investigation given to the Crime Branch. Petitions accepted.

62. 2009 PCr.LJ 1106 — Abdul Qadoos v. Sarwar Khan

Before: Syed Yahya Zahid Gilani and Muhammad Alam Khan, JJ; Writ Petition No. 158 of 2008, decided 23 April 2009

Q. Can an FIR registered under section 324 PPC on the Justice of Peace's order be quashed?

A. No; the order was within his jurisdiction. Dismissed in limine.

63. PLD 2008 Peshawar 53 — Salah-ud-Din Khan, S.H.O. v. Noor Jehan

Before: Syed Yahya Zahid Gilani, J; Criminal Miscellaneous Quashment Petitions Nos. 52 and 53 of 2007, decided 12 February 2008

Q. What is the paramount question under section 22-A?

A. Whether a cognizable offence is alleged; if so, registration under section 154 is mandatory. Petition dismissed.

64. PLD 2008 Peshawar 1 — Haleem v. The State

Before: Talaat Qayum Qureshi, J; Quashment Petition No. 97 of 2007, heard 26 October 2007

Q. Can the Justice of Peace act under section 22-A(6)(iii) during investigation?

A. Yes, where neglect, failure or excess by the police is shown. Petition dismissed.