

**IN THE HIGH COURT OF SINDH AT KARACHI**

Criminal Miscellaneous Application No.991/2024

Applicant : Muhammad Shakir son of Allah Bux,  
Through Mr. Abrar Ali, advocate

Respondents : Mr. Naveed Ahmed, advocate for  
proposed accused

State Mr.Tahir Hussain, DPG.

Date of hearing : 22.04.2025

Date of order : 28.04.2025

**ORDER**

**Khalid Hussain Shahani, J:-** Applicant Muhammad Shakir has invoked the inherent jurisdiction of this court against an order dated 04.09.2024, passed by the court of learned Additional Sessions Judge-VII / Ex-Officio Justice of Peace, Karachi Central in a Criminal Miscellaneous Application No. 991 of 2024, whereby learned court declined to accord directions to the SHO concerned for registration of the case in pursuance of Section 22-A & B Cr.P.C., on the pretext that the dispute between the parties was of a civil nature and not cognizable under the law.

2. Learned counsel for the applicant contends that the learned Court erred in its decision by dismissing the application for the registration of the FIR. It is argued that the facts provided by the applicant do indeed disclose the commission of a cognizable offence, namely, fraud, cheating and misappropriation/embezzlement of his funds, perpetrated by the proposed accused Hamza Jameel. The applicant insists that the dispute involves more than just a financial settlement and that the fraudulent transfer of funds from his account to that of the proposed accused, coupled with the threats issued thereafter, constitutes criminal conduct. Learned advocate for applicant further submits that the learned trial court failed to appreciate the evidence in its entirety, including the documents provided by the applicant, which clearly demonstrate that the proposed accused unlawfully transferred the money and is now attempting to evade responsibility through threats.

The applicant claims that the learned trial court improperly dismissed the application based on the nature of the dispute being civil, whereas the facts clearly establish a case for criminal liability.

3. In response, the proposed accused Muhammad Hamza Jameel, has reiterated the claims made before the learned trial court, denying any criminal activity. He asserts that the transaction was part of a long-standing financial arrangement between the parties, and the applicant had indeed returned the disputed amount. The proposed accused has submitted further correspondence and evidence, including chat records, to substantiate his position.

4. A report from the SP Complaint Cell, District Central, Karachi, has been filed in compliance with the court's previous directions. The report again highlights the nature of the dispute as financial, and not criminal, and asserts that there is no substantial evidence to support the allegations of fraud or threat.

5. I have carefully considered the submissions of the applicant, the proposed accused, and the material on record. The learned trial court, in its impugned order, dismissed the application primarily on the grounds that the dispute is of a civil nature, relying on the chat records that suggest the money was returned. Principle highlighted in a case of *Munawar Alam Khan Vs. Qurban Ali Mallano and others* (2024 SCMR 985) enforces a caution that must be exercised while considering applications under Section 22-A & B Cr.P.C. The Court in *Munawar Alam* emphasized that courts must carefully scrutinize applications for FIR registration to prevent the misuse of the provisions, particularly when the dispute may be of a civil nature or when the request is made without sufficient material supporting the claim of a cognizable offence. The Court observed that the Justice of Peace should not issue directions in a mechanical manner but must assess whether the application is based on solid grounds. Furthermore, in *Mir Wais Vs. Naseebullah and 03 others* (2024 MLD 462, Balochistan), the Court reinforced the need for judicial diligence in examining applications under Section 22-A, Cr.P.C., and emphasized that the Justice of Peace must not simply act on the applicant's version but must ensure that prima facie

evidence exists to support the allegations. This requirement is designed to prevent the abuse of the process and ensure that criminal cases are not used as tools for resolving civil disputes or personal vendettas.

6. In light of these precedents, I find that the learned trial court rightly dismissed the application, as the applicant did not provide sufficient evidence of a cognizable offence, nor did he fulfill the procedural requirements established by the law. Accordingly, the impugned order dated 04.09.2024 is upheld. The application under Section 22-A & B Cr.P.C. for the registration of an FIR is dismissed. The applicant may recourse the appropriate remedies available under the law, if he so desired.

**J U D G E**