

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

**Cr. Misc. Appln. No. S – 298 of 2025**

**Hearing of case**

For hearing of main case

**31.07.2025**

Mr. Yamin Ali Khoso, Advocate for the Applicant  
Mr. Mansoor Hussain Maitlo, Advocate for the proposed accused  
Mr. Mansoor Ahmed Shaikh, Deputy PG for the State

**ORDER**

**Jawad Akbar Sarwana, J.:** The applicant, Ayaz Ali Khoso, has impugned the order dated 14.05.2025 passed by the learned Additional Sessions Judge-II / Ex-Officio Justice of Peace, Naushahro Feroze, whereby the applicant's plea against the proposed accused, Kamran Khoso, was dismissed. The applicant had alleged that Kamran Khoso unlawfully took away a cheque issued by Ayaz Ali Khoso, without his consent and thereafter misappropriated the funds. He had sought prayers from the Ex-Officio Justice of Peace for direction to have his Statement recorded by the Police and eventually register an FIR against Kamran Khoso. But Ayaz Ali Khoso's Cr: Misc. Appln No.1828/2025 got dismissed as mentioned above.

Heard Counsels. It is pertinent to mention that Kamran Khoso had also approached the same Court of Ex-Officio Justice of Peace in respect of the same cheque and obtained a favourable order from the Court on even date, that is, 14.05.2025, directing the police authorities to record the statement of Kamran Khoso regarding the dishonour of the said cheque and proceed with the matter in accordance with law.

While Ayaz Ali has challenged the order passed by the Ex-Officio Justice of Peace dated 14.05.2025, dismissing his application that the cheque was taken away from him/misappropriated, he has not challenged the order passed in Kamran Khoso CrI: Misc. Appln. No.S-1638 of 2025. Meanwhile, Kamran Ali's matter has proceeded to lodging of FIR No.21 of 2025, which is currently under investigation. There is no reason why Ayaz Ali Khoso's plea before the Ex-Officio

Justice of Peace and before this bench that Kamran Khoso allegedly took the cheque and misappropriated the funds cannot be taken up in the investigation, which is in respect of the same cheque and involves the same parties. There is no impediment for the Investigating Officer not to record the Statement of Kamran Khoso and the defence of Ayaz Khoso. Indeed, depending upon whose information is to be believed, if the information disclosed by Kamran Khoso is found to be false and the investigation reveals that the cheque was taken away from Ayaz Khoso by Kamran Khoso, this too has its legal consequences, including, but not limited to, proceedings under Section 182 Cr.P.C. Finally, given that the misc. applications filed by Ayaz Khoso and Kamran Khoso before the Ex-Officio Justice of Peace had several overlaps, including observations made by the Justice of Peace in Kamran Khan's Cr. Misc. App 1638/2025 regarding the cheque going missing, thus no useful purpose would have served giving directions to record Statement through two different Order potentially opening doors for registration of two different FIRs for the same cheque, exchanged between the parties admittedly on the same date, one party alleging it was handed lawfully and got dishonoured and the other alleging it taken away without consent – with the dispute to be investigated under two different FIRs.

Giving the above, the instant Criminal Miscellaneous Application is dismissed and the impugned Order dated 24.05.2025 passed by the Ex-Officio Justice of Peace does not merit any intervention.

Judge

ABROOH/PS