

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Criminal Miscellaneous Application No.S-89 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
	1. For orders on M.A. No.1083/2025 (urgency application).
	2. For orders on office objections.
	3. For orders on C.M.A. No.1084/2025 (exemption application).
	4. For hearing of main case.
	5. For orders on M.A. No.1085/2025 (stay application).

14.02.2025

Mr. G.M. Laghari, Advocate for applicant.

1. This is an Application challenging the Order passed by the Ex-Officio Justice of Peace, thereby rejecting Applicant’s Application u/s 22-A & B Cr.P.C. for lodging FIR against the private Respondent.
2. In view of the growing tendency of filing frivolous and vexatious applications, the principles settled in the cases reported as 2024 SCMR 985, 2021 SCMR 468, 2020 SCMR 2037, PLD 2005 Lahore 470 and 1991 P.Cr.L.J 1125, are that the applications u/s 22-A & B Cr.P.C shall not be decided in a mechanical manner, but all relevant factors must be taken into consideration including *inter alia*, the relationship between the parties, the transaction between the parties, the past animosity, the nature of the dispute including pendency of any civil or criminal proceedings and possible ulterior motives for filing such applications. On the other hand, the inherent powers of the High Court under section 561-A Cr.P.C are intended to prevent abuse of the process and to secure the ends of justice.
3. While carefully applying the above principles to the facts of the present case and after going through the record, it appears that the subject cheque was issued by the Applicant which was presented and dishonored and which holds statutory presumption being a negotiable instrument, based whereon the Ex-Officio Justice of Peace rightly issued directions for registration of FIR. The plea raised by the Applicant that two other FIRs Crime No.195/2024 and 196/2024 were also lodged by One Imran Khan for dishonor of other

cheques against present Applicant is nullified by the fact that earlier FIRs, as per learned Counsel for the Applicant himself, were not lodged by the present Respondent No.3 and also the fact that those pertain to some other cheques issued by the Applicant. In the present case, initiation of proceedings under section 22-A & B Cr.P.C was apparently under ill motives and therefore in order to secure the ends of justice, such frivolous and vexatious proceedings, as directed by the Supreme Court in the cases referred *ibid*, are liable to be discouraged. The order passed by the Ex-Officio Justice of Peace appears to be well reasoned and within the parameters of law and all surrounding circumstances have been considered therein. In view of the above, the application, being devoid of merits, is dismissed. These are the reasons of short Order dated 14.02.2025.

Ali Haider

JUDGE