

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Jawad Akbar Sarwana

Cr. Misc. Appln No.405 of 2025

Applicant : Muhammad Faris s/o Ferozuddin
through M/s. Muneeb Ahmed and Saddam
Hussain Junejo Advocates

Respondent No.1 : The State
Respondent No.2 : SHO PS Gizri
Respondent No.4 : SSP South Karachi
through Ms. Amna Ansari, Addl. P.G.
Sindh

Respondent No.3 : Malik Nadeem Akhtar s/o Muhammad
Ramzan. Mr. Shafiq Ahmed, Advocate

Dates of Hearing : 01.09.2025 and 09.09.2025

Date of Decision : 17.09.2025

ORDER

Jawad Akbar Sarwana, J.: Applicant/proposed accused, as per paragraph 5 of his application u/s 561-A Cr. P.C. has contended that the learned Ex-Officio Justice of Peace in its impugned Order dated 06.05.2025 passed in the complaint filed by respondent no.3/Malik Nadeem Akhtar against him (the proposed accused), failed to take into consideration that the alleged cheque which the applicant/proposed accused instructed his Banker to “Stop Payment” was issued to Malik Nadeem Akhtar concerning a sale of property in which the respondent no.3, allegedly, along with other alleged co-accused, apparently defrauded the applicant/proposed accused. Therefore, he contends that the impugned Order dated 06.05.2025 directing the Police Authorities to record a statement under Section 154 Cr.P.C. should be set aside.

2. The applicant/proposed accused has attached two documents evidencing a sale of property described as Plot No.110/2, Street 26 Khayaban-e-Muhafiz, DHA Phase VI, Karachi. The first document is an alleged sale deed dated 12.12.2024 executed between the alleged vendor,

Mir Junaid Aziz, s/o Mir Abdul Aziz and the proposed accused as the vendee for the sale consideration of Rs.3.6 million. The other transaction document is an alleged agreement of sale dated 11.12.2024, wherein the sale consideration consists of five (5) motor vehicles plus an additional payment of Rs.150 million. It is the applicant/proposed accused case that he has been defrauded, and the bounced cheque in question was in relation to the facilitation of a sham transaction; therefore, it cannot be acted upon by the respondent no.3, who was allegedly part of the alleged gang which played a fraud/cheated the proposed accused and his father.

3. Heard Counsel and learned APG. The applicant/proposed accused has not denied that he issued the cheque in question and was also stopped by him. The learned Ex-Officio Justice of Peace has passed Orders within the contours of the complaint submitted by respondent no.3/Malik Nadeem Akhtar, after examining the ingredients for making out a case under the PPC. This is not a trial proceeding. The defence taken by the proposed accused will form part of the information to be gathered by the police authorities, and there is no ground made out for this bench to interfere in the investigation. There is no defect in the Order passed by the Ex Officio Justice of Peace. Equally, all rights of defence and counter-measures as part of civil and criminal law are available under the law to the applicant/proposed accused to take appropriate action against those he alleges have committed fraud, cheated, breached his trust, etc. The proposed accused is at liberty to both take the sword and use all shields available, but such options cannot reduce to a cipher the impugned Order.

4. I do not find any illegality, irregularity, or legal oversight in the impugned Order. Consequently, this cr. misc. appln. is dismissed for the above reasons.

J U D G E