

**ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI**

*Criminal Miscellaneous Application No. S-633 of 2024
(Mansoor Ahmed vs S.S.P Complaint Cell and others)*

Date	Order With Signature Of Judges
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| <ol style="list-style-type: none"> 1. For order on office objection 2. For hearing of case | |
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26-11-2025.

Mr. Tahir Hussain Meo, Advocate for applicant.
Mr. Khawaja Muhammad Azeem, Advocate for respondents No.3.
Mr. Muhammad mohsin Mangi, Assistant Prosecutor General.

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Ali Haider 'Ada' Through this application, the applicant has assailed the order dated 31.05.2024 passed by the learned Additional Sessions Judge-IV/Ex-Officio Justice of Peace, Karachi East, in Criminal Miscellaneous Application No.1803 of 2024, whereby the application filed by respondent No.03 under Sections 22-A and 22-B Cr.P.C. was allowed, and the present applicant was cited as an accused therein.

2. Respondent No.03 alleged that the cheques issued by the applicant were dishonoured in connection with a flat transaction and that fraud had been committed by the applicant. These allegations were supported by documentary evidence. Consequently, the learned Justice of Peace directed the concerned SHO to record the statement of respondent No.03 and, if a cognizable offence is made out, to register the FIR. The applicant, feeling aggrieved, has challenged such findings.

3. Learned counsel for the applicant submits that after the notice was issued by the Justice of Peace, the concerned police officials reported that they had not recorded the applicant's version despite him being an accused. He contends that the dispute is purely of a civil nature arising out of property and cheque transactions, and that respondent No.03 is attempting to give it a criminal colour. He argues that the application of respondent No.03 is misconceived, and therefore the impugned order is not sustainable and liable to be set aside.

4. On the other hand, learned counsel for respondent No.03 submits that the entire dispute revolves around the dishonoured cheques and the fraudulent conduct of the applicant in connection with the flat transaction. He argues that the applicant usurped the property in question and issued cheques knowingly without sufficient funds. He maintains that the learned Justice of Peace rightly allowed the application.

5. Conversely, learned Assistant Prosecutor General supports the impugned order, stating that it was passed after proper examination of all relevant material, which is the function of the Justice of Peace. He therefore prays for dismissal of the present application.

6. Heard the arguments and perused the material available on record.

7. Perusal of the record clearly reflects that the application filed by respondent No.03 is based upon negotiable instrument transactions, and prima facie the allegations disclose the commission of cognizable offences. The application under Section 22-A Cr.P.C. filed by respondent No.03 prima facie indicates the commission of cognizable offences, and therefore the SHO is bound to proceed in terms of Section 154 Cr.P.C. and conduct an investigation in accordance with law. Reliance is placed upon the case of **Tariq Mehmood v. Additional Sessions Judge/Ex-Officio Justice of Peace and others (2025 YLR 86)**.

8. Under Section 22-A Cr.P.C., it is not the function of the Justice of Peace to scrutinize the matter with meticulous detail or to decide the merits of the allegations. His role is only to determine whether the facts narrated in the application disclose the commission of a cognizable offence; if they do, he may direct the recording of the statement under Section 154 Cr.P.C. His jurisdiction is supervisory and meant to ensure that the grievance of a person, who has been refused registration of FIR by the police, is redressed. He cannot assume the role of an investigating agency or prosecutor. This legal position has been reaffirmed in **Syed Qamber Ali Shah v. Province of Sindh and others (2024 SCMR 1123)**.

9. In the present case, the learned Justice of Peace has examined the record carefully and rightly issued directions to the police authorities in accordance with law. His findings are based on proper appreciation of the material placed before him, and no illegality or irregularity has been pointed out to justify interference by this Court. Accordingly, this Criminal Miscellaneous Application is dismissed.

JUDGE

Saleem/P.S.