

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Misc. Appl. No.479 of 2024
(*Shoaib v. The State and others*)

Date	Order with signature of Judge
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1. For order on M.A. No.5976/2024
2. For order on M.A. No. 5977/2024
3. For hearing of case
4. For order on M.A. No. 5978/2024

09.05.2024

Mr. Israr Ahmed Abro, Advocate for the applicant

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1. Urgency granted.
2. Granted subject to all just exceptions.
- 3-4. The applicant lodged an FIR with PS Nazimabad for an offence punishable 498-F, 420 & 34 PPC with an allegation that the accused involved therein by practising fraud had issued 40 cheques in his favour dishonestly and those had been bounced when were presented before the concerned banks for encashment. On investigation, police recommended cancellation of such FIR as false under 'B' class and it was cancelled accordingly by learned XVII-Judicial Magistrate Karachi East vide order dated 160.04.2024; it is impugned by the applicant before this court by making the instant Crl. Misc. application u/s 561-A Cr. PC.

It is contended by learned counsel for the applicant that the impugned order is based on a dishonest investigation, therefore, it is to be examined by this Court.

Heard arguments and perused records.

FIR of the incident has been lodged with a delay of about 05 months; such delay could not be overlooked. There was a business transaction between the applicant and the accused. Based on an honest investigation the police had recommended the cancellation of the subject FIR as false under 'B' class and it has rightly been cancelled accordingly by the learned trial Magistrate by way of impugned order which is not found illegal to be interfered with by this court by way of instant Crl. Misc. Application, it is dismissed *in limine*.

J U D G E