

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT**  
**LARKANA**

*Constitution Petition No. D-505 of 2026*  
*Muhammad Yaseen v. P.O Sindh & others.*

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Date	Order with Signature(s) of Judge(s).
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**Before:-**  
**Mr. Justice Riazat Ali Sahar,**  
**Mr. Justice Ali Haider 'Ada'**

1. *For orders on M.A No. 1936/2026. (Urgency Application)*
2. *For order on office objection.*
3. *For orders on M.A No. 1937/2026. (Exemption Application)*
4. *For hearing of main case.*

**24-06-2026.**

Mr. Afaque Ahmed, Advocate for the Petitioner

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1. Urgency is granted.
3. Granted.
2. & 4. An application seeking stay/suspension of operation of FIR No.83 of 2026, registered at Police Station Market, Larkana under Section 489-F, P.P.C., has been filed by the learned counsel for the petitioner and is taken on record.

Through the instant constitutional petition, the petitioner has sought quashment of FIR No.83 of 2026, registered on 09.06.2026 at Police Station Market, Larkana at the instance of respondent No.5, Sikandar Ali. The allegation contained in the impugned FIR is that the petitioner issued a cheque which, upon presentation, was dishonoured, whereupon the complainant/ Respondent No.5 lodged the FIR under Section 489-F, P.P.C.

Learned counsel for the petitioner contends that prior to registration of the impugned FIR, the petitioner had already lodged

FIR No.199 of 2026 against respondent No.5 under Section 406, P.P.C. According to him, the dispute arose when respondent No.5 allegedly visited the house of the petitioner and claimed losses attributable to the petitioner's conduct, whereupon an amount of gold valued at Rs.25,70,000/- was allegedly handed over to him, while disputed cheques were issued towards the remaining amount. It is argued that respondent No.5 thereafter committed criminal breach of trust by retaining both the cheques and the gold ornaments. Learned counsel submits that the impugned FIR is hit by the principle laid down in *Sughra Bibi v. The State* (PLD 2018 SC 595). Reliance has also been placed upon a judgment passed by this Court at Karachi, in C.P. No.D-1382 of 2025. It is further contended that the petitioner was arrested by police officials from Karachi, though the arrest was subsequently shown to have been effected at Larkana. In support of such contention, learned counsel has referred to a letter annexed with the petition as Annexure "C-1". On these grounds, he seeks quashment of the impugned FIR.

Heard learned counsel and perused the available record.

An assessment of the material available on record reflects that the principle enunciated in *Sughra Bibi's case* is not attracted to the facts of the present matter. The earlier FIR lodged by the petitioner pertains to allegations of criminal breach of trust under Section 406, P.P.C., whereas the impugned FIR concerns the alleged dishonest issuance of a cheque attracting the provisions of Section 489-F, P.P.C. The nature of allegations, ingredients of the offences and factual foundations of both cases are distinct.

The controversy raised by the parties involves disputed questions of fact which require proper investigation and cannot be conclusively determined in Constitutional jurisdiction while exercising powers for quashment of an FIR. It is by now a settled principle of law that the existence of a counter-version or cross-case, by itself, does not furnish sufficient ground for quashing criminal proceedings

at their inception. The truthfulness or otherwise of the allegations is a matter to be examined during investigation and, if necessary, by the competent trial Court after recording evidence.

In these circumstances, no case for interference in the constitutional jurisdiction is made out. Consequently, the instant petition, being devoid of merit, is dismissed in limine.

**JUDGE**

**JUDGE**