

**THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS**

Crl. Misc. Application No.S-170 of 2026

|                        |   |                                                                      |
|------------------------|---|----------------------------------------------------------------------|
| Applicant              | : | Raja Waseem Muhammad through Mr. Shahroz Ali Mahar, Advocate.        |
| Respondents No.1 to 3: |   | The State through Mr. Neel Parkash, Deputy Prosecutor General Sindh. |
| Respondents No.4 & 5:  |   | Through Mr. Wishan Das Kolhi and Ms. Nousheen Pahore, advocates.     |
| Date of Hearing        | : | 09.09.2026                                                           |
| Date of Order          | : | 09.09.2026                                                           |

**ORDER**

**Muhammad Humayon Khan, J.:** Through this Criminal Miscellaneous Application, the applicant has impugned the Order dated 19.05.2026 passed by learned Additional Sessions Judge-II/ Ex-Officio Justice of Peace, Mirpurkhas in Crl. Misc. Application No.768/2026, whereby the applicant's application under Section 22-A & B Cr.P.C was dismissed.

2. Learned counsel for the applicant contends that the applicant obtained a private loan of Rs.900,000/- from the private respondents and, as security, handed over three open cheques along with his original service book. He submits that the entire loan amount was subsequently repaid, however, the private respondents continued demanding further amount on account of interest and are withholding and misusing the aforesaid cheques and service book. He further submits that the learned Ex-Officio Justice of Peace failed to properly appreciate the material available on record and wrongly declined the prayer for registration of F.I.R. He, therefore, prayed that the impugned order be set aside.

3. Learned counsel for the private respondents contends that the transaction between the parties did not pertain to a simple loan, rather the applicant had purchased six motorcycles from the private respondents and, in connection with the said transaction, issued a cheque of Rs.15,60,000/-, which was subsequently dishonored. He, therefore, prayed that the instant application be dismissed.

4. Learned D.P.G for the State contends that the impugned order does not suffer from any illegality or irregularity, therefore, application be dismissed.

5. I have heard learned counsel for the applicant, counsel for the private respondents as well as learned D.P.G for the State and perused the record.

5. Upon examination of the record, it transpires that the dispute between the parties stems from financial transaction. The applicant claims that he borrowed Rs.900,000/- from the private respondents and has repaid the entire amount, whereas the private respondents maintain that the transaction concerned the sale of six motorcycles, against which the applicant issued a cheque for Rs.15,60,000/-, which was subsequently dishonoured. It is also evident from the record that respondent No.4 Muhammad Imran Khan has already lodged F.I.R No.76/2026 against the applicant for offences under Sections 489-F and 420 P.P.C in respect of the said transaction. The police report also confirms the existence of a financial transaction and does not support the allegation of harassment by the police. The rival versions raise disputed questions of fact regarding the nature of the transaction, repayment of the amount and the purpose for which the cheques were issued,

which cannot appropriately be resolved in proceedings under Sections 22-A & 22-B Cr.P.C. The learned Ex-Officio Justice of Peace, after considering the material available on record, declined the relief sought and left the applicant at liberty to file a direct complaint. I, therefore, find no illegality or material irregularity in the impugned order warranting interference by this Court.

6. In light of the foregoing discussion, the instant Criminal Miscellaneous Application is devoid of merit and is accordingly **dismissed**. However, the applicant is at liberty to file Direct Complaint in accordance with law.

**JUDGE**

***\*Faisal\****