

ORDER-SHEET
**IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD**

Criminal Miscellaneous Application No.S-724 of 2018

(Muhammad Usman v. Learned 2nd Addl. Sessions Judge & others)

Date of hearing: 22.04.2019.

Date of order: 22.04.2019.

Applicant: Muhammad Usman through Mr. Bilawal Bajeer, advocate.

Respondents No.1to3: Formal Party.

Respondent No.4: None present.

Respondents No.5to7: Hatim Shar, Muhammad Ismail Sarki and Faisal through Mr. Manzoor Ahmed Chandio, advocate.

ORDER

FAHIM AHMED SIDDIQUI, J: - The applicant has applied for direction for registration of FIR against the respondents before the Sessions Court / Ex: Officio, Justice of Peace, Badin but his application under section 22-A & B Cr.P.C. was declined vide order dated 17.11.2018 passed by learned IInd Additional Sessions Judge, Badin.

2. Eventually, the applicant is a grower of sugar-cane and he has supplied sugar-cane to Khoski Sugar Mills wherein respondents No.4 to 7 were as employees. The amount due was not paid to the applicant as he was informed that said amount has been paid off / adjusted in respect of the loan to one else.

3. Learned counsel for the applicant submits that the officials of Sugar Mill have acted illegally and fraudulently, as such, due to fraud, an FIR is to be lodged against them.

4. Learned counsel for the private respondents has filed a surety bond in which the applicant has become guaranter regarding certain loan but the counsel for the applicant denied the same.

5. I have also gone through the impugned order, which itself indicates that the dispute between the parties is of certain monetary transaction and settlement of certain accounts. Nevertheless, since the dispute is purely civil in nature yet the applicant is trying to give a criminal colour, therefore, the impugned order was rightly passed, as such, instant criminal miscellaneous application is dismissed.

JUDGE

Abdullah Channa/PS
Hyderabad.
Dated 22.04.2019