

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

Criminal Miscellaneous Application No.S-362 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objection.
	2. For hearing of main case.

18.04.2022

Mr. Amjad Hussain Shar, advocate for applicant.  
Ms. Sana Memon, Assistant Prosecutor General, Sindh.  
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It is alleged by the applicant that the private respondent issued a cheque in his favour dishonestly, it was bounced by the concerned bank when was presented there for encashment; consequently, he by making an application u/s: 22-A&B Cr.P.C sought for direction against the police to record his F.I.R for the said incident. It was declined by learned Additional Sessions Judge/Ex-Officio Justice of Peace, Hala by dismissing his said application vide order dated 14<sup>th</sup> June 2021, which is impugned by the applicant before this Court by preferring the instant criminal miscellaneous application under section 561-A Cr.P.C.

2. It is contended by the counsel for the applicant that learned Ex-Officio Justice of Peace has passed the impugned order in slipshod manner; therefore, such order is liable to be set-aside by this Court with direction to police to record F.I.R of the applicant for the above said incident.

3. Learned A.P.G for the State by supporting the impugned order has sought for dismissal of instant criminal miscellaneous application.

4. Heard arguments and perused the record.

5. Admittedly the applicant and the private respondent were having a business dealing with each other. The civil litigation between them is pending. If for the sake of arguments, it is believed that the subject cheque was issued by

the private respondent in favour of the applicant and it has been dishonored by the concerned bank when was presented there for encashment even then the F.I.R for such incident could hardly be ordered to be recorded for the reason that entire evidence which is likely to be collected by the police on investigation is already lying with the applicant who could produce the same by exhausting the alternate and adequate remedy u/s: 200 Cr.P.C by filing a direct complaint of the alleged incident before the Court having jurisdiction, if so is advised to him. No illegality is apparent which may justify this Court to make interference with the impugned order, consequently instant Criminal Miscellaneous Application is dismissed.

**JUDGE**

Muhammad Danish,