

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

Criminal Miscellaneous Application No.S-298 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on M.A. No.4377/2022.
	2. For orders on office objection.
	3. For orders on M.A. No.4378/2022.
	4. For hearing of main case.

09.05.2022

Mr. Imtiaz Ali Channa, advocate for applicant.

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1. Urgency granted.

2to4. The facts in brief necessary for disposal of instant criminal miscellaneous application are that the private respondent issued a cheque in favour of the applicant dishonestly, it was bounced by the concerned bank when was presented there for encashment; consequently, the applicant by making an application u/s: 22-A and 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, Dadu by dismissing the said application of the applicant vide order dated 09th April 2022, which is impugned by him 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 without considering the substance which was brought on record; 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. Heard arguments and perused the record.
4. Admittedly the applicant and the private respondent were having a business dealing with each other. If for the sake of arguments, it is believed that the subject cheque was issued by the private respondent in favour of the applicant in order to satisfy loan due against him 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 such complaint 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 in *limine* together with listed application.

JUDGE

Muhammad Danish.