

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

Criminal Miscellaneous Application No.S-10 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For hearing of main case.
	3. For hearing of M.A. No.145/2022.

28.03.2022

Mr. Babar Ali Panhwar, Advocate for the applicant.
Ms. Safa Hisbani, Assistant Prosecutor General, Sindh.
Mr. Muhammad Hassan Chang, Advocate for respondent No.3.

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The facts in brief necessary for disposal of instant criminal miscellaneous application are that the applicant allegedly issued a cheque in favour of the private respondent dishonestly, it was bounced by the concerned bank when was presented there for encashment; consequently, the private respondent 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 above said incident. It was issued by learned Sessions Judge/Ex-Officio Justice of Peace, Hyderabad vide order dated 16th December 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 the cheque was misused and the private respondent is intending to involve the applicant being lady in a false case for ulterior motives. By contending so, he sought for setting aside of the impugned order.

3. Learned A.P.G for the State and learned counsel for the private respondent by supporting the impugned order have sought for dismissal of instant criminal miscellaneous application.

4. Heard arguments and perused the record.
5. The applicant has denied to have issued the subject cheque in favour of private respondent. If for the sake of arguments, it is believed that it has been issued by the applicant and dishonored by the concerned bank 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 private respondent 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. In these circumstances, the impugned order could not be sustained, it is set-aside.
6. The instant Criminal Miscellaneous Application is disposed of accordingly.

JUDGE

Muhammad Danish*