

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Misc. Application No.S-193 of 2023
(Khair Muhammad @ Kashif Hussain Qazi Vs. The State & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case.

27-11-2023.

Mr. Iqbal Hussain Joyo, advocate for the applicant.
Mr. Aftab Hussain Shar, Additional Prosecutor General.

IRSHAD ALI SHAH, J.-. The applicant by preferring the instant Crl. Misc. Application has impugned order dated 13-09-2023 passed by learned IIIrd Additional Sessions Judge/Ex-Officio Justice of Peace, Khairpur, whereby he has directed the police to record statement of the private respondent for purpose of FIR.

2. It is contended by learned counsel for the applicant that there was disputed between the parties over settlement of account and such aspect of the case has been lost sight of by learned Ex-Officio Justice of Peace, while passing the impugned order, therefore same is liable to be set aside.

3. Learned APG for the State and learned counsel for the private respondent by supporting the impugned order have sought for dismissal of instant Crl. Misc. Application.

4. Heard arguments and perused the record.

5. If for the sake of arguments, it is believed that the cheque allegedly issued by the private respondent in favour of applicant dishonestly and same has been dishonoured by the Bank, when was

presented there for encashment and for that his FIR is not being recorded by the police then he has an alternate remedy to exhaust by filing a direct complaint of such incident before the Court having jurisdiction for the reason that the police has hardly to do anything in the case like the present one, wherein the entire material which is expected to be collected by the police on investigation is already lying with the private respondent. Such remedy, if is exhausted by the private respondent besides being alternate, would be adequate in the circumstances; consequently, the impugned order is set aside.

6. The instant Crl. Misc. Application is disposed of accordingly together with listed application.

Judge

Nasim/P.A

