

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Misc. Appl. No.288 of 2023

*(Dollar Industries Pvt Ltd v. Learned XIth Additional District & Sessions Judge Karachi (West) and
04 others)*

Date	Order with signature of Judge
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1. For orders on office objection (Flag-A)
2. For hearing of main case

06.05.2024

Ms. Bharti Kumar, advocate for the applicant
None for the private respondent
Mr. Muhammad Anwar Mahar, DDPP for the State

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It is alleged by the applicant that the private respondent issued a cheque in his favour dishonestly; it was bounced when was presented before the concerned bank for encashment. Based on such allegations, the applicant by making an application u/s 22-A/B Cr.PC sought a direction against the police to record FIR for the said incident; it was dismissed by learned XIth-Additional Sessions Judge/ Ex-Officio Justice of Peace, Karachi West vide order dated 13.03.2023, which is impugned by the applicant before this Court by way of instant Crl. Misc. Application under Section 561-A Cr. P C.

It is contended by learned counsel for the applicant that the cognizable offence has taken place, therefore, learned Ex-Officio Justice of Peace ought not to have dismissed the application of the applicant by way of impugned order, which being illegal is to be examined by this court.

Heard arguments and perused the record.

The application was filed by the applicant with a delay of one year. Be that as it may, If for the sake of arguments, it is believed that the offence as alleged by the applicant has taken place and for that FIR is not being recorded by the police then the applicant has an alternate remedy to exhaust by filing a direct complaint of the incident before the Court having jurisdiction; such remedy, if exhausted, besides being alternate would be adequate under the circumstances of the case like the present one wherein the police has hardly to do anything for the reason that entire evidence which is to be collected on investigation is already lying with the applicant. No illegality even otherwise is noticed in the impugned order which may justify this Court to interfere with the same.

Consequent to the above discussion, the instant Crl. Misc. Application is dismissed accordingly.

J U D G E

Nadir*