

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Crl. Misc. Appl. No.942 of 2023

*(Qari Aslam Saim Chushti v. VIIth Additional District & Sessions Judge Eat Karachi and others)*

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Date	Order with signature of Judge
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For hearing of main case

**14.05.2024**

Mr. Tanveer Qabool, advocate for the applicant  
Ms. Seema Zaidi, Additional Prosecutor General for the State

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It is alleged by the applicant that the proposed accused issued a cheque in his favour dishonestly; it was bounced by the concerned bank when was presented there for encashment. Based on such allegations, he by making an application u/s 22-A/B Cr.PC sought the direction against SHO PS Korangi Karachi to record his FIR; it was dismissed by learned 8<sup>th</sup> Additional Sessions Judge Karachi East/ Ex-Officio Justice of Peace vide order dated 13.11.2023, which is impugned by the applicant before this Court by making the instant application under Section 561-A Cr. PC.

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 the impugned order; the same being illegal is to be examined by this Court, which is opposed by learned Additional Prosecutor General for the State by supporting the impugned order.

Heard arguments and perused the record.

If for the sake of arguments, it is believed that the incident as alleged by the applicant has taken place and for that, his FIR is not being recorded by the SHO PS Korangi Karachi then he has to exhaust an alternate remedy by filing a complaint of the alleged incident in terms of Section 200 Cr.PC before the Court having jurisdiction; such remedy if exhausted by him besides being alternate would be adequate in the circumstance of the case for the reason that the evidence which is likely to be collected by the police 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\*