

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**CrI. Misc. Application No.S-637 of 2023**  
*(Allah Wadayo alias Yar Muhammad Baladi Vs. SSP Naushahro Feroze & others)*

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

**02-02-2024.**

Mr. Kashif Hussain Shaikh, advocate for the applicant.  
Mr. Abdullah Mastoi, advocate for the private respondent.  
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

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It is alleged by the applicant that the private respondent has issued a cheque in his favour dishonestly, it was bounced, when was presented before the concerned Bank for encashment. On the basis of such allegation, the applicant by making an application under section 22 A/B Cr.P.C sought for direction against the police to record his FIR for the said incident, it was dismissed impliedly by learned IInd Additional Sessions Judge/Ex-Officio Justice of Peace, Naushahro Feroze vide order date 30-10-2023, which is impugned by the applicant before this Court by making the instant CrI. Misc. Application under section 561-A Cr.P.C.

It is contended by learned counsel for the applicant that a cognizable offence has taken place; therefore, learned Ex-Officio Justice of Peace ought not to have dismissed the application of the applicant for the purpose by way of impugned order, same being illegal is liable to be set aside by this Court with direction to police to record FIR of the applicant for the said incident at his verbatim, which is opposed by learned DPG for the State and learned counsel for the private

respondent by contending that the applicant has an alternate and adequate remedy to exhaust under section 200 Cr. P.C.

Heard arguments and perused the record.

As per police report there is dispute between the parties over settlement of account. If for the sake of arguments, it is believed that the subject cheque has actually been issued by the private respondent in favour of the applicant dishonestly and was bounced by the concerned Bank when was presented there for encashment and for that his FIR is not being recorded by the police, even then he has an alternate remedy to exhaust by filing a direct complaint of such incident before the Court/Magistrate having jurisdiction for the reason that the police has hardly to do anything in the case like present one, wherein the entire evidence which is likely to be collected on investigation is already lying with the applicant. Such remedy, if is exhausted by the applicant besides being alternate, would be adequate in the circumstances. No illegality even otherwise is noticed in the impugned order, which may justify this Court to interfere with the same in exercise in its' inherent jurisdiction.

Consequent upon above discussion, the instant Crl. Misc. Application fails and is dismissed accordingly.

**JUDGE**

