

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Misc. Application No.S-667 of 2023

(Abdul Razzaque Vs. The State & others)

1. For hearing of main case.
2. For hearing of MA No.5628/2023 (Stay/ A)

ORDER.

05-03-2024.

Mr. Ali Murad Malano advocate for the applicant.

Mr. Abdul Sattar Thaheem, advocate for the private respondent.

Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

-----*****-----*****

It is alleged by the private respondent that applicant issued a cheque in his favour dishonestly, it was bounced by the concerned Bank when was presented there for encashment. On the basis of such allegation he by making an application u/s 22 A/B Cr.P.C sought for direction against SHO PS A-Section Ghotki to record his FIR, it was issued by learned IInd Additional Sessions Judge/Ex-Officio Justice of Peace Ghotki vide order dated 20-09-2023, which is impugned by the applicant before this Court by making the instant Crl. Misc. Application u/s 561-A Cr.P.C.

It is contended by learned counsel for the applicant that there was dispute between the parties over settlement of accounts; therefore, learned Ex-Officio Justice of Peace ought not to have directed the police to record the FIR of the above said incident at the verbatim of private respondent by way of impugned order; therefore, such order being illegal is liable to be set aside by this Court.

Learned DPG for the State and learned counsel for the private respondent by supporting the impugned order have sought for dismissed of instant Crl. Misc. Application by contending that a cognizable offence has taken place.

Heard arguments and perused the record.

If for the sake of arguments, it is believed that the subject cheque was issued by the applicant dishonestly and it was bounced by the concerned Bank

when was presented there by the private respondent and for that his FIR is not being recorded by the police, then he has an alternate and adequate remedy to exhaust by filing a direct complaint of the incident before the Court having jurisdiction for the reason that the police has hardly to do anything in case like the present one as entire evidence which is likely to be collected by the police on investigation is already lying with the private respondent. The impugned order thus could not be sustained, it is set aside.

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

Judge

Nasim/P.A