

ORDER SHEET  
**IN THE HIGH COURT OF SINDH  
CIRCUIT COURT HYDERABAD**

Criminal Miscellaneous Application No.S-637 of 2022

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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02-12-2022

Mian Taj Muhammad Keerio advocate for applicant.

Mr. Safdar Ali Charan advocate for respondent No.1.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

**MUHAMMAD IQBAL KALHORO**, J:- Applicant has impugned the order dated 26.09.2022 whereby against allegation of cheating with respondent, learned Additional Sessions Judge-I/Justice of Peace Dadu has given direction to SHO PS A-Section Dadu to record statement of respondent and if cognizable offence is made out, to register FIR.

**2.** I have heard the parties and perused material available on record. It appears that *prima facie* there is documentary evidence in support of allegation of fraud with respondent by applicant. This is a reason why learned A.P.G. has also supported the impugned order. Nonetheless, it may be observed that registration of FIR does not mean that the nominated accused has committed offence and he must be arrested. FIR only puts in motion a legal course: investigation and if in the investigation material is found out in support of allegation, the report under section 173 Cr.P.C. is submitted justifying commencement of the trial. In this case *prima facie*, as stated above, there are certain documents in support of allegation the truthfulness of which is yet to be determined as both parties are contesting the veracity thereof.

**3.** In view thereof, this application is dismissed. Let statement of respondent be recorded by SHO and if cognizable offence is made out, register the FIR, however, applicant shall not be arrested till cogent evidence is collected against him showing that he has committed the said offence and this cogent evidence shall include the findings about the genuineness of the documents.

The application is disposed of.

JUDGE