

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Present: Justice Jawad Akbar Sarwana

Crl. Misc: Application No.580 of 2025

Appellant : Muhammad Raheem Nizamani s/o Khalid Hussain
Through Mr.Aghis-us-Salam Tahirzada, Advocate

Respondent No.1 : Senior Superintendent of Police, Badin

Respondent No.2 : Station House Officer, Police Station Matli
Through Ms.Safa Hisbani, Assistant P.G

Respondent No.3 : Asif Nizamani s/o Naik Muhammad
Through Mr.Naveed Anjum Jarwar, Advocate

Date of hearing : 18.12.2025

Date of decision : 18.12.2025

ORDER

JAWAD AKBAR SARWANA, J.: Applicant/complainant

Muhammad Raheem Nizamani is aggrieved by the order dated 18.07.2025, passed by the learned Additional Sessions Judge/Ex-Officio Justice of Peace, Matli, in Criminal Miscellaneous Application No.995/2025. In the impugned order, the learned Ex-Officio Justice of Peace concluded that out of six (06) dishonoured cheques, only two (02) cheques drawn on the account of proposed accused/respondent No.3 disclosed a cognizable offence. As regards the remaining dishonoured cheques, since they were drawn on the account of "Friends Traders," the learned Judge held that the appropriate remedy lay before the Civil Court and no cognizable offence was made out.

2. Learned counsel for proposed accused/respondent No.3 contends that one of the cheques drawn on Friends Traders, in the sum of Rs.6.6 million, was in the nature of guarantee/security. With respect to the other cheques, he submits that there is no element of dishonesty, as the parties are engaged in joint business and are, in fact, partners.

3. Heard learned counsel as well as the learned A.P.G. It is a trite proposition of law, well discussed in **Syed Qambar Ali Shah v. Province of Sindh and others** (2024 SCMR 1123) that a complaint before the Justice of Peace under Sections 22-A & B Cr.P.C. is neither a trial nor a deep inquiry or investigation. The purpose of such complaint is only to make a tentative assessment at the most basic level, whether the information disclosed may constitute a cognizable offence.

4. In the present case, learned counsel for the applicant/complainant has drawn attention to Page-35, which contains the cheque return memo of a dishonoured cheque in the sum of Rs.70,000/- drawn on M/s Friends Traders. Although the cheque itself was drawn on Friends Traders, the return memo specifically mentions the name of proposed accused/respondent No.3. In my assessment, this constitutes tentative information sufficient to make out a cognizable offence, falling within the ambit of the principle laid down by the Honourable Supreme Court in the above-titled case.

5. In view of the foregoing, this Criminal Miscellaneous Application is **allowed**, to the extent that the order passed by the learned Ex-Officio Justice of Peace is set aside. The Police

authorities are directed to record the statement of the applicant/complainant in respect of all the alleged dishonoured cheques listed in the table available on Page-02 of the impugned order and take action thereto in accordance with law. In case the statement of the applicant/complainant is found to be false, proceedings under Section 182, P.P.C. shall be initiated against him.

None of the observations made by me herein for purpose of deciding this application shall be relied upon by the parties, the I.O and the trial Court.

JUDGE

AHSAN K. ABRO