

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Misc. Application No.S- 96 of 2025.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on O/objection at flag-A.
- 2. For hearing of main case.

Date of hearing **26.08.2025.**

Mr. Nizamuddin Soomro, Advocate for applicant.
Mr. Khalil Ahmed Maitlo, D.P.G.

ORDER

Syed Muhammad Ali Shah is present who is said to be father of respondent No.2. He states that Syed Kashif Ali Shah is confined in Jail at Rahimyar Khan whereas his son Syed Yousif Ali Shah has gone to Lahore. He has further stated that both the proposed accused are aware of the proceedings. Learned DPG has been heard on behalf of both proposed accused persons.

2. Counsel for applicant contends that the impugned order dated 11.02.2025 as passed by Additional Sessions Judge/Ex-officio Justice of Peace Daharki in Criminal Misc. Application No. 329/2025 whereby application under section 22-A (6)(i) and 22-B Cr.P.C filed by present applicant was dismissed. Learned counsel further contends that subject cheques were dishonoured and the dishonouring slips with specified difference of signatures which were made out by the accused do not require that the application should have been dismissed. It is further contended that it was for the signatory to make proper cheques for which the applicant cannot be deprived of his exercise of available remedies. Learned DPG, however, relied upon the case of Usman Ali v. Additional Sessions Judge, Ex-officio, Justice of Peace, Toba Tek Singh and 4 others (2016 P.Cr.L.J Lahore 323) contended that the applicant is having alternate remedy of filing summary suit and the cognizance may not be considered. Learned DPG further contended that according to father of

proposed accused No.2 there has been compromise between the parties against which amount has been paid and only a limited amount is left.

3. Applicant present, however, denies any payment and settlement.
4. Having heard learned counsels and gone through the record.
5. Apparently the impugned order which comprises of three pages has been passed whereby relying of different authorities cognizance has not been taken primarily on the ground that signatures are not matched as reported. The impugned order, however, is found devoid of any discussion as to the instructions of the cheques itself. The contention of learned counsel for applicant that the signatures required to be made by the person who creates the cheque is ever present. In the circumstances where the investigation available after lodging of the FIR being available, the impugned order is found liable to be set aside. It is ordered that the statement of applicant shall be recoded at concerned Police Station and in case cognizable offence is made out under section 154 Cr.P.C cognizance be taken in this regard, however, it is also to be considered that in case FIR is lodged, the Investigating Officer shall consider the version of both the parties coming forward and arrest in the matter shall be made only when tangible material and circumstances required comes on record.

With the above observations this Criminal Misc. Application is disposed of in the above terms.

J U D G E

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