IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-6981 of 2026.
(Muhammad Ali vs Province of Sindh and others)

DATE	ORDER WITH SIGNATURE OF JUDGE

Present:-
Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider 'Ada'.

For order as to maintainability of petition

Date of hearing: 03.11.2026.
Date of order: 03.11.2026.

M/s. Muhammad Ramzan Tabassum and Imran Khan, Advocates for the Petitioner

Mr. Javed Iqbal, Advocate for Respondent No.4

Mr. Zulfiqar Sangi, Assistant Advocate General, along with PI/IO Amir Memon & SI Riasat of PS Sachal

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Ali Haider 'Ada', J.- The petitioner, being an accused, has filed the instant Constitutional petition seeking, inter alia, quashment of FIR No.1536/2026, registered for an offence punishable under Section 489-F, PPC. The petitioner has also sought directions to the Investigating Officer (IO) to produce the relevant record pertaining to the FIR and to provide protection to the petitioner.

2. Notices were issued. In response, respondent No.4, the complainant who lodged the FIR against the petitioner, represented through learned counsel. The SHO also submitted his statements; and IO is also present and stating that the investigation is in progress.

3. Learned counsel for the petitioner submits that the petitioner possesses material in his defence and has already instituted Civil Suit No.3176/2026 against the bank authorities and other defendants, namely Muhammad Waqas and Salman. It is contended that respondent No.4, Noman

Mian Noor, acted as a frontman for defendant No.1 and 2 namely Muhammad Waqas and Salman, who had obtained a series of cheques from the petitioner as security in connection with property transactions and temporary advances. The petitioner has sought cancellation of those cheques through the said civil suit. Learned counsel further submits that the cheque forming the subject matter of the impugned FIR has been misused and is false, fabricated, and managed, as the same was never issued by the petitioner. He contends that the matter could be resolved through forensic examination of the cheque; however, the IO has failed to address this aspect.

4. Conversely, learned counsel for respondent No.4 submits that the cheque in question was issued by the petitioner for an amount of Rs.1,00,000/-, which was subsequently dishonoured. It is further contended that the cheque was issued in the presence of witnesses and that the petitioner failed to fulfil his obligation. The IO reiterates that the matter is under investigation and assures that the investigation shall proceed in accordance with law.

5. Heard and perused the material available on record.

6. At the very outset, it is evident that the contents of the FIR disclosed the commission of a cognizable offence. The matter is presently under investigation and falls within the domain of the investigating agency. Unless exceptional circumstances, such as arbitrariness or mala fide, are established, the FIR cannot be quashed at this premature stage. It is a settled principle of law that once the allegations disclose the commission of a cognizable offence, the matter is to be investigated and, if warranted, proceeded with in accordance with law. Such process ought not to be obstructed through premature quashment of the FIR. In **Dr. Ghulam Mustafa v. The State and others (2008 SCMR 76),** it has been held that the High Court cannot act as an investigating agency and ordinarily lacks jurisdiction to quash an FIR in

the exercise of its constitutional jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, or under Section 561-A, Cr.P.C., unless exceptional circumstances are made out. In this context, a mere assertion of a defence does not constitute an exceptional ground warranting quashment of the FIR.

7. The controversy in the present matter is essentially factual. Even if the petitioner possesses material in his defence, its assessment at this stage does not warrant interference by this Court. The IO, being the investigating officer, is required to collect relevant material from all available sources, scrutinize the same, and form an independent opinion in accordance with law. Therefore, interference at this stage would be unwarranted. Reliance is placed upon **Balquiz Ali Shah alias Attaullah Khan vs. Wrashem Gul and others PLD 2025 Peshawar 36.**

8. So far as the determination of the guilt or innocence of the accused is concerned, the same squarely falls within the domain of the trial Court and ought not to be interfered with at a early stage in the absence of exceptional circumstances. In Muhammad **Mansha v. SHO, Police Station (City) Chiniot, District Jhang and others (PLD 2006 SC 598)**, it has been held that the determination of the guilt or innocence of an accused falls within the domain of the trial Court and should not be interfered with at a premature stage in the absence of exceptional circumstances.

9. As regards the petitioner's request for forensic examination of the cheque. The question whether the cheque should be referred for forensic examination or any expert opinion obtained falls within the domain of the investigating agency. Accordingly, if the petitioner submits any application or relevant material before the IO in this regard, the same shall be dealt with in accordance with law, as deemed appropriate and necessary for the purposes of investigation.

10. In view of the foregoing discussion, the instant Constitutional petition is dismissed.

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