

ORDER

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Jawad Akbar Sarwana

Criminal Misc. Application No.699 of 2025

Applicant	:	Shahid Ahmed s/o Nanhay Khan through Mr. Israr Ahmed Abro, Advocate
Respondent No.1	:	Kaiser Ahmed s/o Naseeruddin through Mr. Saddam Hussain Chang, Advocate
Respondent No.2	:	SSP Complaint Cell East Karachi
Respondent No.3	:	SHO PS Ferozabad Karachi through Mr. Muhammad Mohsin Mangi, APG Sindh.
Respondent No.4	:	The Manager Bank Al-Habib Ltd. Gulshan Chawrangi, Mr. Waqas Ali, Law Officer a/w Syed Arshad Ali, Bank Manager
Date of Hearing	:	28.08.2025
Date of short Order	:	28.08.2025
Date of Reasons	:	01.09.2028

ORDER

Jawad Akbar Sarwana, J.: On 28.08.2025, for the reasons to be recorded later, this bench dismissed the Criminal Misc. Application. Herein below are the reasons for the said dismissal, upholding the impugned Order dated 01.08.2025 passed by the Ex-Officio Justice of Peace, Karachi East.

2. When the respondent no.1, Kaiser Ahmed's married daughter, Shahina Shahid, passed away from cancer on 16.02.2023, she was survived by her father, Kaiser Ahmed; her husband, Shahid Ahmed, the proposed accused (present applicant); and a minor daughter, Shahista Shahid. Shahina was a school teacher at Beacon House (Cambridge)

Girls' School. After her death, her husband Shahid Ahmed, the proposed accused, obtained a succession certificate from NADRA dated 07.06.2023, identifying the shares of legal heirs in the deceased's property as follows:

- (i.) Shahid Ahmed (proposed accused) – 1/4th of total share
- (ii.) Shahista Shahid (daughter of proposed accused) -1/2 of total share
- (iii.) Kaiser Ahmed (respondent no.1) – 1/4th of total share

3. When, on 19.01.2024, BSP Group Companies Employees Provident Fund issued three account payee cheques, allotting one cheque each in favor of each of the three legal heirs, according to the Branch Manager of Bank Alfalah Gulshan Branch, Karachi, the cheque favoring Kaiser Ahmed was deposited in the individual bank account of "Kaiser Ahmed" having CNIC No.42101-8161094-5 and IBAN No.PKBAHL10270081030441011. When Kaiser Ahmed, respondent no.1 herein, having CNIC No.42201-7388239-9, subsequently, allegedly, found out about the cheque issued by BSP Group Companies Employees Fund had been issued but was not deposited in his account, he filed Cr. Misc. Appln. against his son-in-law (the proposed accused), seeking orders for recording statement under section 154 Cr.P.C. and based on such statement to initiate proceedings, if any, against the proposed accused. The Cr. Misc. Appln. was allowed by the Ex-Officio Justice of Peace Karachi East. Aggrieved by the impugned Order dated 01.08.2025, the proposed accused, the applicant (son-in-law of complainant) has filed this application in the High Court.

4. Heard Counsel and Bank Manager. According to the information available with the Bank Manager, apparently, the cheque in favour of Kaiser Ahmed was deposited by Kaiser Ahmed. How did this Kaiser Ahmed obtain a cheque meant for the deceased father having the same name? Who was the "Kaiser Ahmed" who deposited the said cheque? Did he have any links to the school or its staff or to the Complainant (respondent no.1) or to the proposed accused? Did the

Kaiser Ahmed or the person who deposited the said cheque have any prior contact with the applicant (proposed accused)? What cognizable offence(s) are made out based on such information, and, against whom? All these questions clearly require the recording of statement, and further proceedings, if any, by the Police Authorities.

5. Given the above, I did not find any defect in the impugned Order dated 01.08.2025, which was upheld, and this Cr. Misc. Appln. was dismissed along with all pending applications by my short order dated 28.08.2025. The above are the reasons for the same.

J U D G E