

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Misc. Appln No.1296 of 2024

Date	Order with Signature of Judge
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1. For hearing of main case
2. For hearing of MA No.112834/2024

**07.08.2025**

Ms. Farzana advocate a/w applicant  
Mr. Muhammad Mohsin Mangi, APG

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This Criminal Misc. Application has been filed by the applicant, Faheem Ahmed, who allegedly handed over four cheques issued by his brother-in-law (Saala), Faizan, to respondent No.1, Abdul Samad Khan, which, when presented to the bank, were dishonoured. Respondent No.1, Abdul Samad Khan, filed Crl. Misc. Application No.5316/24 before Ex-Officio Justice of Peace. It transpires that the learned Ex-Officio Justice of Peace, after hearing the parties and examining the police report, found that the aforesaid four cheques arising out of an Agreement executed between Abdul Samad and Faheem Ahmed and having been dishonoured constituted information to trigger recording of statement under section 154 Cr.P.C. Aggrieved by this order dated 16.12.2024 passed by the Ex-Officio Justice of Peace, Faheem Ahmed filed this application. Counsel for Faheem Ahmed contends that Faheem had nothing to do with the cheques. He was not the issuer, and his role was limited to the underlying agreement only. Thus, no case for Section 489-F Cr.P.C. is made out against Faheem.

Heard Counsel. The handing over of the cheque was managed by Faheem and his brother-in-law, Faizan. Meanwhile, Faheem executed the agreement, which cross-referenced the four cheques issued by his brother-in-law, Faizan favoring respondent No.1, Abdul Basit Khan. It is the prerogative of the police to record the statement of the applicant/accused to see if any cognizable offence(s) is/are made out in respect of the incident. The information may lead in any direction during inquiry and may not be limited to Section 489-F Cr.P.C. only. The Ex-Officio Justice of Peace found that the information available in the document called for the recording of a Statement before the concerned Respondent Officer. I do not see any defect in the impugned order dated 16.12.2024. No illegality is found. The concerned police officer is directed to ensure that the statements of all the concerned parties are recorded, i.e., applicant and proposed accused/respondents, including Faizan, before taking any further action.

Given the above, this application is dismissed in the above terms.

J U D G E