

## **IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

Criminal Misc. Application No. S- 322 of 2025

Applicant: Nadeem Ali son of Allah Rakhio bycaste Khushk  
through Mr. Alam Sher Bozdar, Advocate.

Respondent No.2: Hakim Ali son of Muhammad Arif Panhwar  
through Mr. Ishfaq Ahmed M. Siyal, Advocate.

State: through Mr. Mansoor Ahmed Shaikh, D.P.G.

**Date of hearing & Order: 31.07.2025.**

### **O R D E R.**

**Jawad Akbar Sarwana, J**,- Applicant Nadeem Ali Khushk has filed this Criminal Misc. Application aggrieved by the impugned order dated 24.05.2025 passed by learned Additional Sessions Judge-I/ Ex-Officio Justice of Peace Mirpur Mathelo in Criminal Misc. Application No. 331/2025 (*Re. Hakim Ali v. SHO Police Station Mirpur Mathelo and others*) wherein an application under section 22-A 6 (i) & 22-B Cr.P.C filed by respondent No.2 Hakim Ali was allowed, directing that the SHO Police Station Mirpur Mathelo shall record the Statement under Section 154 CrPC concerning a dishonored cheque, and if it emerges that such cheque was tampered during course of the investigation, then a report under Section 24.07 of the Police Rules 1934 (commonly known as the “B” Class report) is submitted, and the SHO shall ensure that Hakim Ali is proceeded against as per law.

2. Learned counsel for applicant/Nadeem Ali, has contended that the application filed by Hakim Ali was misconceived as there was a civil dispute between the parties and Hakim Ali never approached the Police before filing the Cr. Misc. Appln. with the Ex-Officio Justice of Peace. In light of this backdrop, Respondent No.2/Hakim Ali could not directly agitate a case under Section 489-F against Nadeem Ali. He argued that even otherwise, the cheque, which had been allegedly submitted to the bank, had been tampered with and Hakim Ali had inserted his name manually as a “Payee” on it. Thus, he contended that Hakim Ali had acted wrongfully and could not dishonour a cheque which he had tampered with.

3. Counsel for Respondent No.2/Hakim Ali contended that Ghulam Hussain’s cheque had been dishonoured. Further, when Hakim Ali had visited

the Police Station, there was no mandatory requirement on him under section 154 CrPC, to submit the complaint in writing. It was sufficient to initiate action based on the verbal information provided to law enforcement agencies, and he had done so. Such actions were also mentioned in his application filed before the Ex-Officio Justice of Peace.

4. Learned D.P.G. relied on paragraphs Nos. 7, 13 and 14 of the impugned Order. He highlighted that the allegation of tampered cheque by the Police Authorities required probe and investigation, and this was beyond the jurisdiction of the Ex-officio Justice of Peace. With regard to Ghulam Hussain's apprehension that he may be arrested for a dishonoured cheque that was allegedly tampered with, learned DPG submitted that the impugned order itself specifically directed the police authority not to make any arrest unless there is a reasonable suspicion that the person to be arrested is involved in a cognizable offence. Finally, learned DPG submitted that the impugned Order expressly contemplated action against the person found guilty of tampering with the cheque.

5. Heard Counsel and learned DPG and perused documents available on file. The record suggests that, prima facie, no substantive civil dispute existed between the parties, which could vitiate consideration of the Ex-Officio Justice of Peace to record Hakim Ali's Statement. It is a settled principle of law that proceedings before an ex officio Justice of Peace are not like trial proceedings. The Court of Ex-Officio Justice of Peace examines the case under section 154 Cr.PC and if such a case is made out, refers the matter for recording of Statement under Section 154 CrPC. Finally, there are sufficient safeguards in the impugned Order such that the IO examining the matter manages a balance between the dishonour of the bounced cheque and the tampering with the said cheque.

6. In the circumstances, this bench does not find any reason to interfere with the impugned order passed by learned Additional Sessions Judge-I/ the learned Ex-Officio Justice Mirpur Mathelo. Accordingly, this Criminal Misc. Application is dismissed and the impugned order is upheld.

JUDGE