

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Criminal Miscellaneous Application No. 1071 of 2025
(Zafar Khan Versus Muhammad Naveed and others)

DATE	ORDER WITH SIGNATURE OF JUDGES
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1. For orders on MA No. 17610/2025 (Urgent/A)
2. For orders on MA No. 17611/2025 (Exemption/A)
3. For hearing of main case.

05.12.2025

Mr. Imran Khan Advocate for the Applicant

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MA No. 17610/2025: Urgency granted.

MA No. 17611/2025: Exemption granted subject to all just exceptions.

Through this Criminal Miscellaneous Application, the Applicant assails the order dated 27.11.2025 passed by the learned Additional Sessions Judge-III/Ex-Officio Justice of Peace, Karachi East, whereby the application filed by Respondent No. 1 under Sections 22-A and 22-B Cr.P.C. was allowed.

Briefly stated, in the application under Sections 22-A and 22-B Cr.P.C., Respondent No. 1 nominated the present Applicant as a proposed accused, alleging that the Applicant had issued several cheques which were subsequently dishonoured. On this basis, Respondent No. 1 succeeded in obtaining an order from the learned Justice of Peace for recording his statement, and in case a cognizable offence was made out, for lodging of the FIR.

Learned counsel for the Applicant contends that the cheques in question were issued in the year 2022, yet according to the applicant, were dishonoured on the same date. He further argues that the application under Sections 22-A and 22-B Cr.P.C. nowhere discloses the circumstances or consideration under which the cheques were issued, thereby showing that the application was filed with malafide intentions. Learned counsel prays for setting aside the impugned order.

Heard and perused the material available on record. As per bare reading of the application reflects that the dispute pertains to payment for which five cheques were issued by the Applicant to Respondent No.

1, and all of them were dishonoured. At this preliminary stage, and considering the tentative nature of proceedings under Sections 22-A and 22-B Cr.P.C. Respondent No. 1 possesses a statutory right to have his version recorded by the police for purposes of determining whether a cognizable offence is made out. Reference may also be made to the dictum laid down by the Hon'ble Supreme Court in ***Syed Qamber Ali Shah v. Province of Sindh (2024 SCMR 1123)***, wherein it was held that the Justice of Peace is not required to undertake an investigation but merely to address the grievance of an aggrieved party by directing the recording of statement or issuance of appropriate directions as provided under the law.

In view of the above facts and circumstances, no ground is made out for interference with the impugned order. Consequently, this Criminal Miscellaneous Application stands dismissed and the order of the learned Justice of Peace is maintained.

JUDGE