

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA**

Cr. Misc: Application No.S-89 of 2026

(Nazeer Ahmed v. SHO, PS Nabi Shah Waggan & others)

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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01. For orders on office objection "A".
02. For hearing of main case.

**07.05.2026**

Mr. Abdul Sattar Hullo, Advocate for the applicant.  
Mr. Jamal Nasir Bullo, Advocate for private respondent No.3.  
Mr. Nazir Ahmed Bhangwar, Deputy Prosecutor General.

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Through this Criminal Miscellaneous Application under Section 561-A, Cr.P.C, the applicant has sought setting aside of the order passed by the learned Ex-Officio Justice of Peace whereby the concerned S.H.O was directed to record the statement of respondent No.3 under Section 154, Cr.P.C and thereafter proceed strictly in accordance with law.

Learned counsel for the applicant contended that the impugned order is contrary to law and facts of the case. He submitted that no transaction whatsoever had taken place between the parties and that a Faisla had already been arrived at between them on 05.02.2023. He further submitted that the applicant had earlier lodged an N.C report regarding the alleged misplacement/ loss of the cheque in question, which document is available on record. Learned counsel further argued that in the proposed F.I.R, respondent No.3 alleged that the cheque was dishonoured on account of insufficient funds, whereas the bank memo produced on record reflects that the account was dormant. According to the learned counsel, the aforesaid circumstances clearly demonstrate mala fide on the part of respondent No.3 and, therefore, the impugned order is liable to be set aside.

Conversely, learned counsel for respondent No.3 submitted that the cheque in question was issued by the applicant on 05.01.2026 and, upon presentation before the concerned bank for encashment, the same was dishonoured. He further contended that the N.C report relied upon by the

applicant is false and fabricated. Learned counsel placed on record a signed copy of the relevant Roznamcha entry and submitted that the entry produced by the applicant materially differs from the signed copy placed before this Court, thereby creating serious doubt regarding the authenticity of the document relied upon by the applicant. He therefore prayed for dismissal of the instant application.

Learned Deputy Prosecutor General supported the impugned order and submitted that no illegality or jurisdictional defect has been pointed out warranting interference by this Court in exercise of its inherent jurisdiction under Section 561-A, Cr.P.C.

I have heard learned counsel for the parties, learned Deputy Prosecutor General, and have carefully gone through the material available on record with their able assistance. Perusal of the impugned order reflects that the learned Ex-Officio Justice of Peace has merely directed the concerned S.H.O to record the statement of respondent No.3 under Section 154, Cr.P.C. and thereafter proceed strictly in accordance with law in the event commission of a cognizable offence is disclosed. The impugned order neither directs automatic registration of an F.I.R. nor determines, conclusively, the civil or criminal liability of either party. It is also pertinent to note that the learned Ex-Officio Justice of Peace, while passing the impugned order, has specifically directed that no arrest of the present applicant shall be effected unless tangible and incriminating material surfaces during the course of inquiry/investigation. Thus, adequate safeguards have already been provided to protect the lawful interest of the applicant. The controversies raised by the learned counsel for the applicant regarding the alleged Faisla, the N.C report, the alleged fabrication or otherwise of the Roznamcha entry, and the discrepancy between dishonour of cheque on account of "insufficient funds" and "dormant account", are all disputed questions of fact requiring factual probe and inquiry. Such matters cannot appropriately be adjudicated upon by this Court while exercising inherent jurisdiction under

Section 561-A, Cr.P.C, particularly at a pre-F.I.R./pre-investigation stage. At this stage, this Court is not required to conduct a roving inquiry into the truthfulness or falsity of the allegations levelled by either side, nor can it undertake deeper appreciation of disputed factual material which is yet to be examined by the investigating agency in accordance with law. In the event any F.I.R is registered after recording of the statement of respondent No.3, the applicant shall be at liberty to place all material in his defence before the Investigating Officer, who shall consider the same objectively, fairly, and strictly in accordance with law.

It is by now well-settled that while exercising jurisdiction under Sections 22-A and 22-B, Cr.P.C, the learned Ex-Officio Justice of Peace does not assume the role of a trial Court so as to determine the veracity or otherwise of the allegations levelled by the complainant or the defence taken by the proposed accused. The scope of such jurisdiction is confined to ensuring that information relating to commission of a cognizable offence is dealt with in accordance with law. Likewise, the inherent jurisdiction of this Court under Section 561-A, Cr.P.C. is to be exercised sparingly, cautiously, and only in exceptional circumstances where patent illegality, abuse of process of law, or miscarriage of justice is apparent on the face of the record. No such illegality, jurisdictional defect, perversity, or misuse of process has been pointed out in the impugned order warranting interference by this Court. Reliance in this regard is placed upon the case of ***Syed Qamber Ali Shah v. Province of Sindh and others, 2024 SCMR 1123.***

For the foregoing reasons, this Court finds no illegality, irregularity, jurisdictional defect, or perversity in the impugned order passed by the learned Ex-Officio Justice of Peace warranting interference in exercise of inherent jurisdiction under Section 561-A, Cr.P.C. Consequently, this Criminal Miscellaneous Application, being devoid of merit, is dismissed accordingly.

**JUDGE**