

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Miscellaneous Application No.S-727 of 2025

[Wajid Ahmed v. Muhammad Sagheer & another]

Applicant:	Wajid Ahmed through Mr. Farhad Ali Abro, Advocate.
Respondent No.1:	None present.
Respondent No.2:	The State through Mr. Irfan Ali Talpur D.P.G. Sindh.
Date of Hearing:	04.05.2026
Date of Order:	04.05.2026

ORDER

RIAZAT ALI SAHAR, J: - The instant Criminal Miscellaneous Application has been filed by the applicant/complainant against the order dated 26.09.2025 passed by the learned Civil Judge & Judicial Magistrate-VI, Hyderabad, in Crime No.68 of 2025 registered under Section 489-F PPC at Police Station City, Hyderabad, whereby the learned Magistrate, while accepting the report submitted under Section 173 Cr.P.C., disposed of the case under "C" Class. Through the present application, the applicant seeks setting aside of the impugned order on the ground that the learned trial Court failed to properly appreciate the material available on record and unlawfully accepted the cancellation report without lawful justification.

2. The facts as disclosed in the FIR bearing Crime No.68/2025 registered at PS City Hyderabad under section 489-F PPC are that the father of complainant Wajid Ahmed had sold a house to accused Muhammad Sagheer against sale consideration, where after the accused allegedly issued cheque No.0000010 dated 28.02.2025 amounting to Rs.700,000/- drawn on HBL Latifabad Unit No.7, Hyderabad, towards discharge of remaining liability. The complainant presented the cheque in his bank account maintained at Bank Al-Habib Limited, Station Road Branch, Hyderabad, however the same was dishonoured due to insufficient funds. Thereafter, despite repeated demands, the accused allegedly avoided payment by extending false assurances, as such, the complainant lodged the aforesaid FIR. During investigation, however, the Investigating Officer concluded that the dispute arose out of a property

transaction already settled between the parties and further observed that the cheque in question had allegedly been tampered with and misused by the complainant. Consequently, the police submitted final report under Section 173 Cr.P.C. recommending disposal of the case under “C” Class, which recommendation was accepted by the learned Magistrate vide impugned order dated 26.09.2025.

3. Learned counsel for the applicant contended that the impugned order is illegal, arbitrary and contrary to the material available on record. He contended that the learned Magistrate mechanically accepted the “C” Class report without properly applying judicial mind and without appreciating that all essential ingredients of Section 489-F PPC were *prima facie* available against the accused. He further contended that the cheque was admittedly issued by the accused against a legally enforceable liability and its dishonour constituted a cognizable offence requiring full-fledged trial. Learned counsel also argued that the investigation was conducted in a biased and perfunctory manner, as material evidence including original cheque, dishonour memo and relevant witnesses were not properly considered. He lastly contended that the complainant was deprived of fair opportunity and the cancellation of FIR at pre-trial stage amounts to miscarriage of justice; therefore, the impugned order is liable to be set aside with direction for reinvestigation or restoration of proceedings.

4. On the other hand, learned D.P.G. Sindh supported the impugned order and contended that the learned Magistrate has passed a well-reasoned and speaking order after independent assessment of the entire material collected during investigation. He contended that serious contradictions surfaced during investigation and the statements of witnesses did not support the allegations leveled in the FIR. Learned D.P.G. further contended that the record revealed apparent tampering in the cheque and the complainant failed to produce any independent evidence establishing dishonest intention on part of the accused. He maintained that the Investigating Officer rightly concluded that the criminal proceedings were initiated on *mala fide* basis arising out of a civil dispute already settled between the parties; therefore, no interference in the impugned order is warranted.

5. I have heard learned counsel for the applicant, learned D.P.G. Sindh, and have carefully gone through the available record including the

FIR, impugned order, police papers, statements of witnesses recorded during investigation, documentary material and the report submitted under Section 173 Cr.P.C.

6. The principal controversy in the present matter revolves around the legality and propriety of the order dated 26.09.2025 whereby the learned Judicial Magistrate accepted the final report and disposed of the FIR under “C” Class. The record reflects that during the course of investigation the Investigating Officer examined various witnesses including close relatives of the complainant, namely Shahid and Mst.Sakina, who categorically stated that the agreed sale consideration had already been paid by the accused and possession of the property had also been delivered. The investigation further disclosed that the cheque in question was allegedly issued as “Self” and material alteration appears to have been made subsequently by insertion of the complainant’s name after the word “Self”. I have also examined the subject cheque and observed that the handwriting and wording of the expressions “Self” and “Wajid Ahmed” materially differ from each other, indicating apparent variation in the script and insertion thereof.

7. The observations recorded by the learned Magistrate demonstrate that the Court did not blindly rely upon the police report but independently examined the material collected during investigation. The learned Magistrate specifically noted discrepancies in the cheque, contradictions in the complainant’s version, absence of independent corroboration and failure of the complainant to establish dishonest intention attributable to the accused. It is noted that the bank memo itself lacked essential particulars and did not satisfactorily support the prosecution case. It is now a settled principle of law that while considering a report under Section 173 Cr.P.C., the Magistrate is fully competent to independently assess the material collected during investigation and either accept or reject the recommendation of the Investigating Officer. The Magistrate is not bound by the opinion of the police and may form an independent conclusion based upon available material.

8. In the present case, the record reveals that the learned Magistrate assigned cogent and valid reasons for accepting the “C” Class report. The investigation unearthed material creating serious doubt regarding genuineness of the prosecution story, particularly the apparent

alteration in the cheque and the statements of witnesses negating the allegations of outstanding liability. It further appears that the dispute between the parties primarily arose out of a property transaction of civil nature which had already been settled to a considerable extent. The contention of learned counsel for the applicant that sufficient material existed for taking cognizance does not hold much force in the peculiar facts of the case, as criminal proceedings cannot be permitted to continue merely on bald allegations where the material collected during investigation substantially weakens the prosecution version. Likewise, the argument regarding non-application of judicial mind is also without substance because the impugned order reflects detailed consideration of the facts, evidence, and legal position involved in the matter.

9. It is also pertinent to observe that inherent jurisdiction of this Court in matters relating to interference with orders passed under Section 173 Cr.P.C. is to be exercised sparingly and only where the impugned order suffers from patent illegality, arbitrariness, or gross misreading of evidence. No such infirmity has been pointed out in the present matter warranting interference by this Court.

10. For what has been discussed above, I am of the considered view that the learned trial Court has rightly accepted the final report and disposed of the case under "C" Class after proper appraisal of the material available on record. The impugned order neither suffers from legal infirmity nor calls for interference by this Court. Consequently, the instant Criminal Miscellaneous Application being devoid of merit is hereby **dismissed**. The impugned order dated 26.09.2025 passed by the learned Civil Judge & Judicial Magistrate-VI, Hyderabad, is **maintained**.

JUDGE

Abdullahchanna/PS