

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr Misc Appln No. S-443 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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- 1. For orders on office objection
- 2. For hearing of main case.

16.09.2026.

Mr. Ghulam Mustafa Burdi, advocate for applicant.
Mr. Gahi Khan Jatoi, advocate for respondent No.2.
Mr. Siraj Ahmed Bijarani, Assistant Prosecutor General.

The applicant/complainant, Khuda Dino S/O Noor Muhammad, by caste Soomro, is aggrieved by the order dated 18.06.2026, passed by Additional Sessions Judge-II Shaheed Benazirabad, in the capacity of Ex-Officio Justice of Peace in Criminal Misc. Application No.1377/2026. The learned Ex-Officio Justice of Peace has dismissed the application of applicant/complainant purely on three grounds; (i) the cheque which was basis of complaint was issued, bounced almost after 3½ months, which was subject matter of complaint/application; (ii) the complainant remained silent for considerable delay of about one and half years for filing of application/complaint, and (iii) that a FIR No.286/2024 had been lodged by proposed accused Deedar Ali Pahi against the brother of complainant, hence the application filed by applicant/complainant Khuda Dino Soomro was on account of enmity between the parties.

Learned counsel for applicant/complainant contents that sufficient information was available before Ex-Officio Justice of Peace to make out a case for recording of statement of applicant/complainant. He relies on the judgments of Honourable Superior Courts reported in 2016 YLR Note 93 (Lahore), 2012 P.Cr.L.J 180 (Sindh), PLD 2007 SC 539, 2026 MLD 820 (Sindh) and 2026 P.Cr.L.J 1169 (Sindh).

Counsel for respondent No.2/proposed accused Deedar Ali Pahi S/O Taj Muhammad Pahi contents that the Ex-Officio Justice of Peace has passed the impugned order in accordance with law, and that the cheque, which was subject matter of complaint/application was already part of a FIR No.286/2024 lodged by respondent No.2/proposed accused Deedar Ali Pahi on

24.11.2024, hence the complaint/application filed by the applicant/complainant was entirely without merits and rightly dismissed by Ex-Officio Justice of Peace.

Learned Deputy Prosecutor General has supported the instance of counsel for respondent No.2/proposed accused and contended that as the alleged bounced cheque was already subject matter of aforesaid FIR, therefore, no case could be made out U/S 22-A & B Cr.P.C. He further contended that the impugned order is liable to be maintained.

I have gone through the impugned order dated 18.06.2026. However, as per law any person who has information for an offence having been committed is entitled under the law to provide such information to police station. Once such information is provided to police officer whether any offence is cognizable or non-cognizable offence. In the circumstances, the applicant/complainant produced the copy of aforesaid bounced cheque dated 10.07.2024, which was handed over to him a week prior to such date i.e 03.07.2024. As per record, the cheque was duly presented before the concerned Bank, which cheque was bounced and Bank issued such memo on 03.09.2024 with remarks of closed/inactive account, on which cheque was drawn is/was closed. It is common ground that the said cheque was subject matter of FIR No.286/2024; however, Counsel for respondent No.2/proposed accused admits that the complainant Deedar Ali Pahi (proposed accused) has alleged in FIR that his maternal nephew Hakim Ali had allegedly stolen the cheque. Further, he contends, too, that the investigation in the said FIR continues to be stalled without any progress. It is also admitted that it took the complainant Deedar Ali Pahi (proposed accused) almost after 3½ months to register the FIR of stolen cheque. The defense theory put forwarded by the respondent No.2/proposed accused falls with information to at least trigger the provision of Section 22-A & B Cr.P.C and mandates the recording of statement of the applicant/complainant. The Criminal Procedure Code and Police Rules provide ample guidance to the police officers to proceed with such information in the circumstances as well as in situation where false information has been provided.

Given the above, the impugned order dated 18.06.2026 is set aside with directions to the SHO Police Station Kazi Ahmed District Shaheed Benazirabad to record statement of the applicant/complainant and apply his own mind and act in accordance with law. It is hoped and expected that the

SHO shall behave in a neutral, professional and competent manner and shall not arrest any person without availability of any evidence as per his culpability.

The Criminal Miscellaneous Application is **allowed** in the above terms.

JUDGE

Shahid Steno