IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.

Criminal Miscellaneous Application No.S-568 of 2025.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE

Applicant:	Sooraj S/O Muhammad Bux Wistro **Through:** **Mr.Shabir Ali Bozdar, Advocate.**
The State:	Through Mr.Shafi Muhammad Mahar, D. P.G, Sindh.
Respondent No.4:	Zahid Hussain S/O Allah Wadhayo Maitlo **Through** **Ms.Qurat-ul-Ain Advocate**.

Date of hearing & order: **29.10.2026**.

Suresh Kumar J:- Through this Criminal Miscellaneous Application, the applicant has impugned the Order dated 12.09.2025 passed by learned Ex-officio Justice of Peace/Additional Sessions Judge-IV Khairpur in Criminal Miscellaneous Application No.3669/2025 (Re. Zahid Hussain Maitlo v. The State and others), thereby allowed the said Criminal Miscellaneous Application under section 22-A-& 22-B Cr.P.C. for registration of FIR.

2. The facts leading to the present application indicate that the applicant/proposed accused, Sooraj, issued a cheque amounting to Rs. 86,00,000/- (eighty-six lacs) dated 17.06.2025 from Habib Metro Bank, Khairpur Branch, in respect of dues owed to respondent No. 4/complainant Zahid Hussain concerning the purchase of cattle. However, this cheque was dishonored upon presentation due to ‘insufficient funds’ in the drawer's account, as confirmed by the memo dated 18.07.2025. Consequently, a cognizable offense under Section 489-F of the Pakistan Penal Code (PPC) was established. Following this, a Criminal Miscellaneous Application was filed, seeking directions for the registration of an FIR, which was granted by an order dated 12.09.2025. This order is now being challenged through the instant Criminal Miscellaneous Application.

3. Learned counsel for the applicant contends that the amount actually payable to the applicant was less than the amount mentioned in the cheque;

however, the proposed accused allegedly filled in an exorbitant amount in the blank cheque. He further contends that the learned Additional Sessions Judge/Ex-Officio Justice of the Peace, Khairpur, failed to apply a judicial mind while passing the impugned order. He lastly submits that the impugned order is contrary to law and the principles of natural justice, as no cognizable offense is made out. He, therefore, prays that the impugned order passed by the learned Ex-Officio Justice of the Peace be set aside.

4. Learned Deputy P.G. Sindh has supported the impugned order dated 12.09.2025 and has contended that the police are bound to register the FIR under Section 154 Cr.P.C. if a cognizable offense is made out. The learned Ex-Officio Justice of the Peace/Additional Sessions Judge-IV Khairpur has rightly directed the respondent to record his statement, as the cheque issued by the applicant was bounced; therefore, a cognizable offense under Section 489-F PPC is made out.

5. Learned counsel for respondent No. 4/complainant has adopted the arguments advanced by the learned DPG for the State. She further contends that a cognizable offense is made out; therefore, the learned Ex-Officio Justice of the Peace/Additional Sessions Judge-IV, Khairpur, rightly passed the impugned order. She also submits that no illegality or material irregularity has been pointed out in the impugned order warranting interference by this Court at the provisional stage and prays for the dismissal of this Criminal Miscellaneous Application.

6. Having given due consideration to the arguments advanced by the learned counsel for the applicant, the learned Deputy Prosecutor General (DPG), as well as the respondent/complainant, and having perused the relevant material, it is evident from the examination of the impugned order dated 12.09.2025 that the learned Ex-Officio Justice of the Peace/Additional Sessions Judge-IV, Khairpur, has passed the following order:

> "*in view of the facts and circumstance and case law as discussed above I am of the estimate opinion that the information as contended in the instant application is relating to the cognizable offence. Consequently the instant*

Crl. M.A No.3669/2025 is hereby allowed. Let the SHO Of PS B-section Khairpur be directed to record the statement of the applicant and if the cognizable offence is made out, then he shall incorporate it in the book u/s 154 Cr.P.C it is also ordered that if the FIR is registered accused will not be arrested until and unless the tangible evidence is collected during the investigation, connecting the proposed accused with the commission of the alleged offence. In case, FIR is found to be false during the investigation, the SHO may prosecute the applicant u/s 182 PPC".

7. From a bare perusal of the above order, it reveals that the learned Ex-Officio Justice of the Peace/Additional Sessions Judge-IV, Khairpur, has observed that a cognizable offense has been made out. Admittedly, the cheque issued by the applicant was dishonored; therefore, the learned Ex-Officio Justice of the Peace/Additional Sessions Judge-IV, Khairpur, has rightly held that a cognizable offense has been established based on the contents of the application submitted by respondent No. 4/complainant. The learned counsel for the applicant has failed to point out any illegality in the impugned order dated 12.09.2025, passed by the learned Ex-Officio Justice of the Peace/Additional Sessions Judge-IV, Khairpur. It is well-settled law that the Station House Officer (SHO) is bound to register an FIR if a cognizable offense is established based on the statement of the complainant. In the present case, the cheque was bounced, for which prima facie, Section 489-F of the Pakistan Penal Code (PPC) is attracted, constituting a cognizable offence.

8. For the reasons stated above, I am of the considered view that the application merits no consideration; therefore, the same is hereby dismissed, and the impugned order dated 12.09.2025, passed by the learned Ex-Officio Justice of the Peace/Additional Sessions Judge-IV, Khairpur, is maintained.

J U D G E

Hizbullah/PA .