

THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Cr. Misc. Application No. S-135 of 2026

Applicant : Abdul Rehman through Mr. Farhan Ahmed Bozdar, Advocate.

Respondents No.1 & 2: The State through Mr. Neel Parkash, Deputy Prosecutor General Sindh.

Respondent No.3 : Ghulam Mustafa called absent.

Date of Hearing : 07.09.2026

Date of Judgment : 07.09.2026

ORDER

Muhammad Humayon Khan, J.: Through this Criminal Miscellaneous Application, the applicant has impugned the Order dated 23.04.2026 passed by learned Ex-Officio Justice of Peace, Shahdadpur in Crl. Misc. Application No.815/2026, whereby the applicant's application under Section 22-A & B Cr.P.C was dismissed.

2. Learned counsel for the applicant contends that owing to friendly and family relations, the applicant advanced an amount of Rs.10,00,000/- to the proposed accused as a friendly loan for a period of two years. He submits that the proposed accused returned Rs.3,00,000/- and, towards repayment of the remaining amount of Rs.7,00,000/-, issued a cheque which, upon presentation, was dishonoured due to insufficient balance in his account. He further submits that despite approaching the concerned police for registration of F.I.R, no action was taken and that the learned Ex-Officio Justice of Peace wrongly declined the prayer for registration of F.I.R. He, prayed that the impugned order be set-aside and the SHO concerned be directed to proceed strictly in accordance with law.

3. Learned D.P.G for the State contends that the impugned order does not suffer from any illegality or irregularity, therefore, application be dismissed.

4. I have heard learned counsel for the applicant as well as learned D.P.G for the State and perused the record.

5. Upon examination of the record, it transpires that the dispute between the parties arises out of a monetary transaction. The applicant claims to have advanced Rs.10,00,000/- to the proposed accused, who, according to him, returned Rs.3,00,000/- and issued a cheque for the remaining amount of Rs.7,00,000/-, which was dishonoured. The proposed accused, however, disputed the outstanding amount and claimed before the police that substantial payment had already been made and that the cheques were given as security. The police inquiry also did not support the applicant's version and found the matter to be one relating to recovery of the disputed amount. The learned Ex-Officio Justice of Peace, after considering the police report and the material available on record, declined the prayer for registration of F.I.R. Proceedings under Sections 22-A & 22-B Cr.P.C are not meant to determine such disputed questions between the parties, nor is such jurisdiction to be exercised mechanically. In these circumstances, no illegality or material irregularity has been pointed out in the impugned order which may call for interference by this Court.

6. In light of the foregoing discussion, the instant Criminal Miscellaneous Application is devoid of merit and is accordingly **dismissed**. However, the applicant is at liberty to file Direct Complaint in accordance with law.

JUDGE

Faisal