

THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Misc. Application No.S-213 of 2026

Applicant : Riaz Ahmed through Mr. Ali Raza Laghari,
Advocate.

Respondents No.1, 2 & 4: Through Mr. Neel Parkash, Deputy
Prosecutor General Sindh.

Respondent No.3 : Through Mr. Ali Hassan Chandio,
advocate.

Date of Hearing : 16.09.2026

Date of Order : 16.09.2026

ORDER

Muhammad Humayon Khan, J.: Through this Criminal Miscellaneous Application, the applicant has impugned the Order dated 06.07.2026 passed by learned Additional Sessions Judge-II/ Ex-Officio Justice of Peace, Mirpurkhas in Crl. Misc. Application No.1070/2026, whereby the respondent No.3's application under Section 22-A & B Cr.P.C was allowed.

2. Learned counsel for the applicant contends that the dispute between the parties is of civil nature arising out of a lease of agricultural land. He submits that the disputed cheques were given to Respondent No.3 only as security and that the amount in question had already been paid. He further submits that Respondent No.3 has misused the cheques despite settlement of the matter. He, therefore, prayed that the impugned Order be set-aside.

3. Learned counsel for the respondent No.3 opposes the application and supports the impugned Order. He contends that Respondent No.3 had obtained agricultural land on lease from the Applicant and had paid the agreed amount. After cancellation of the lease, the Applicant issued cheques towards the outstanding amount, which were dishonoured, therefore, he approached the learned Ex-Officio Justice of Peace. He submits that the impugned Order has been passed in accordance with law and calls for no interference.

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

5. I have heard learned counsel for the applicant, counsel for the private respondent as well as learned D.P.G for the State and perused the record.

5. Upon examination of the record, it transpires that that the dispute between the parties arose out of a lease of agricultural land. Respondent No.3 claims that after cancellation of the lease, the Applicant issued cheques towards the outstanding amount, whereas the Applicant claims that the amount had already been paid and the cheques were given only as security. The police reports available on record also show that the dispute relates to the lease transaction and payment between the parties. Therefore, disputed questions regarding the purpose for which the cheques were issued and whether any amount remained payable. Such disputed questions cannot be finally determined in the present proceedings. More importantly, the learned Ex-Officio Justice of Peace has not recorded any final finding regarding the guilt or liability of the Applicant. The SHO concerned has only been directed to record the statement of Respondent No.3 and, if a cognizable offence is made out, to register the FIR under Section 154 Cr.P.C. in accordance with law. The impugned Order further provides that if the complaint is found to be false, appropriate legal action may be taken against the complainant in accordance with law. In these circumstances, no illegality or material irregularity is found in the impugned Order warranting interference by this Court.

6. In light of the foregoing discussion, the instant Criminal Miscellaneous Application is devoid of merit and is accordingly **dismissed** alongwith pending application.

JUDGE

Faisal