

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Misc. Application No. 236 of 2026

Applicant : Sajjad Ali Bughio
Through: Mr. Afaq Ahmed, advocate

Respondents 1 to 3 : The State Through: Ms. Najma Latif Golo, A.P.G. Sindh a/w Inspector Hikmatullah SHO of P.S. Sahil.

Respondent No.4 : Awais Ahmed Shaikh son of Bashir Ahmed
Through: Mr. Sameer Hussain Samo, advocate

Date of hearing : 01.09.2026.

Date of Order : 01.09.2026.

ORDER

Jan Ali Junejo, J:-- Through this Criminal Miscellaneous Application under Section 561-A, Cr.P.C., the applicant namely Sajjad Ali has called in question the order dated 04.03.2026 (hereinafter referred to as the "Impugned Order") passed by the learned Additional Sessions Judge-IX/Ex-Officio Justice of Peace, Karachi South in Cr. Misc. Application No.548 of 2026, whereby the SHO concerned was directed to record the statement of the complainant and, if cognizable offence is made out, to register FIR in accordance with law.

2. Succinctly, the case of the Respondent No.4 is the applicant/proposed accused purchased Buffaloes/Cows worth Rs.13,000,000/- (Rupees One Crore Thirty Lakh) from the Respondent No.4, against which applicant paid Rs.1,850,000/- in cash and issued Cheque No.00000042 dated 27.11.2025 for Rs.11,150,000/- (Rupees One Crore Eleven Lakh Fifty Thousand Only) towards payment of the remaining amount; however, when the said cheque was presented for encashment at Soneri Bank, M.A. Jinnah Road Branch, within the jurisdiction of Police Station Aram Bagh, the same was dishonoured. Despite receiving the goods, the applicant / proposed accused failed to honour the cheque and discharge his lawful obligation, thereby attracting the ingredients of an offence under Section 489-F PPC, while his conduct

in inducing Respondent No.4 to deliver the goods with mala fide intention further attracts the provisions of Sections 420/34 PPC. The Respondent No.4 thereafter approached Respondent No.3/SHO for recording his statement under Section 154 Cr.P.C., but his request was declined; consequently, he submitted a written application dated 29.01.2026 through TCS bearing Receipt No.306062222669, but no action was taken thereon. Respondent No.4 also brought the matter to the notice of Respondent No.2 through an application dated 31.01.2026 sent via TCS Receipt No.306062174230, but his grievance remained unresolved. Hence, having no other adequate and efficacious remedy, Respondent No.4 has approached the learned trial court by invoking its jurisdiction under Section 22-A(6)(i) Cr.P.C, which was allowed through the impugned order.

3. Learned counsel for the applicant contends that the applicant is a law-abiding citizen and government servant serving as Planning Officer in the Planning & Development Department and that the impugned proceedings, based upon false and baseless allegations, are causing irreparable prejudice to his reputation, dignity and career; that Respondent No.4, who is employed with NTS (National Testing Services) and has no business of dealing in animals, has fabricated an imaginary story with mala fide intention to malign and extort the applicant; that the actual facts have deliberately been concealed, as Respondent No.4 was known to the applicant as a common friend and had access to his belongings, and during the relevant period the applicant's cheque books and other valuable articles went missing, whereupon he promptly submitted an application dated 12.09.2025 before Police Station Darakhshan, Karachi, reporting the loss in order to prevent any possible misuse thereof; that subsequently, the applicant came to know that Respondent No.4 had wrongfully retained his belongings, including the cheque books, and when the applicant demanded their return, Respondent No.4 exchanged harsh words with him and thereafter, with mala fide intention, misused the lost cheque bearing No.00000042 of HBL Punjab Chowrangi Branch, Karachi, by concocting a false story of an alleged sale transaction of cows and buffaloes and filing an application under Sections 22-A & 22-B Cr.P.C.; that the loss of the cheque books and other belongings had already been reported on 12.09.2025 and was duly verified during the inquiry conducted by the DSP Complaint Cell, District

South, Karachi, whereas the alleged sale transaction is stated to have taken place on 11.11.2025, rendering the subsequent alleged issuance of cheque dated 27.11.2025 highly doubtful and strongly suggesting misuse of the lost cheque book; that during the inquiry Respondent No.4 failed to produce any sale agreement, receipt or other document evidencing the alleged transaction, while the CDR analysis further established that no telephonic contact or meeting took place between the applicant and Respondent No.4 on 11.11.2025, the date of the alleged transaction; that the learned Justice of Peace, despite calling for and having before him the police inquiry report, failed to give due weight to its findings, which negated the alleged transaction and issuance of the cheque, and the impugned order is conspicuously silent with regard to the said inquiry report, the alleged sale transaction and the alleged payment or part payment; that the bank memo also reflects that the signature on the cheque does not match the applicant's specimen signature, thereby further supporting the applicant's contention regarding misuse/tampering of the lost cheque; that the learned Justice of Peace failed to appreciate the material discrepancies and crucial chronological circumstances and passed the impugned order dated 04.03.2026 without proper application of judicial mind, resulting in misreading and non-reading of material evidence; that the jurisdiction under Section 22-A Cr.P.C. is limited and cannot be exercised mechanically for directing registration of an FIR where the material available on record, particularly the police inquiry, prima facie negates the allegations; that continuation of the proceedings in such circumstances amounts to abuse of the process of law, and the impugned order, being illegal, arbitrary and unsustainable, is liable to be set aside by this Honourable Court in exercise of its inherent jurisdiction under Section 561-A Cr.P.C. in order to secure the ends of justice and prevent abuse of the process of law.

4. Conversely, learned A.P.G. and learned counsel for Respondent No.4 opposed the application and submitted that the impugned order is well-reasoned and passed strictly in accordance with law. It was further argued that the scope of jurisdiction under Sections 22-A & 22-B Cr.P.C. is limited and the Justice of Peace is only to ensure that the matter is set into motion where a cognizable offence is disclosed. It was prayed that the application be dismissed.

5. I have heard the learned counsel for the applicant, learned A.P.G. and learned counsel for Respondent No.4 and have carefully examined the impugned order as well as the material available on record.

6. The principal contention of learned counsel for the applicant is that the disputed cheque had been reported lost prior to the alleged transaction, that the police inquiry conducted by the DSP Complaint Cell, District South, Karachi, supported the applicant's version, that no documentary evidence of the alleged sale transaction was produced by Respondent No.4, that CDR analysis did not establish any contact or meeting between the parties on the alleged date of transaction and that the signature appearing on the cheque did not tally with the applicant's specimen signature. However, these assertions constitute matters of defence and involve disputed questions of fact which cannot be conclusively determined in proceedings under Section 561-A Cr.P.C.

7. The learned Justice of Peace, while exercising jurisdiction under Section 22-A Cr.P.C., was not required to adjudicate upon the genuineness of the disputed cheque, determine the truthfulness of the rival versions or record a finding regarding the guilt or innocence of the applicant; rather, the relevant consideration was whether the information placed before him disclosed commission of a cognizable offence requiring appropriate action in accordance with law. In the present case, Respondent No.4 had specifically alleged that the applicant purchased cattle from him for Rs.13,000,000/-, paid Rs.1,850,000/- in cash and issued the disputed cheque for the remaining amount, which was subsequently dishonoured, and that despite approaching the police, no action was taken on his complaint.

8. The impugned order, significantly, does not direct registration of an FIR in an unconditional or mechanical manner, but merely directs the SHO concerned to record the statement of the complainant and, if a cognizable offence is made out, to register the FIR in accordance with law. Thus, the order itself leaves the matter open for verification and investigation by the competent police authority. The alleged prior loss of the cheque, the police inquiry, absence of a sale agreement or receipt, CDR analysis and alleged mismatch of signature may be relevant matters for investigation and subsequent determination in accordance with law, but at this stage they do not furnish sufficient ground for exercising the

extraordinary and inherent jurisdiction under Section 561-A Cr.P.C. to pre-empt the statutory process, particularly when the allegations made by Respondent No.4 prima facie disclose cognizable offences. The mere fact that the applicant disputes the transaction or relies upon material which, according to him, supports his defence does not render the impugned order illegal or without jurisdiction. No patent illegality, perversity, jurisdictional defect or abuse of the process of law has been demonstrated warranting interference by this Court.

9. In view of the foregoing discussion, the instant Criminal Miscellaneous Application, being devoid of merit, is dismissed. The impugned order dated 04.03.2026 passed by the learned Additional Sessions Judge-IX/Ex-Officio Justice of Peace, Karachi South is maintained and shall be complied with in letter and spirit by the concerned police authorities.

JUDGE