ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Crl. Misc: Application No.S-763 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(S)

1. For orders on M.A No.9901/2026 (U/A)
2. For orders on office objection (s)
3. For orders on M.A No.9902/2026 (Exemption)
4. For hearing of main case

06.11.2026

Mr.Imdad Ali Memon, Advocate for the applicants

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1. Granted.

2 to 4. Learned counsel for the applicants has been heard and the record perused. Respondent No.4 alleges that the applicants purchased a solar panel from him for Rs.1,000,000/- in January 2024 and thereafter obtained Rs.800,000/- in cash from him. Against the alleged liability of Rs.1,800,000/-, applicant No.1 is said to have issued a cheque which was dishonoured. Respondent No.4 further alleges that, when payment was demanded, he was threatened. By order dated 15.10.2026, the learned Sessions Judge/Ex-Officio Justice of Peace, Matiari, allowed the application under Section 22-A(6)(i), read with Section 22-B, Cr.P.C., observing as follows:

> ***"6. As discussed supra, the applicant has leveled allegations against the proposed accused of issuing bogus cheque which are supported by the documentary evidence in shape of cross cheque and bank return memo as such SHO PS Saeedabad is directed to record the statement of the applicant as per his verbatim and if cognizable offence is made out then to convert it into FIR as required under Section 154 Cr.P.C. Accordingly application stands allowed."***

Learned counsel submits that applicant No.1 had borrowed only Rs.800,000/-, of which Rs.500,000/- has been repaid. According to him, the cheque was given blank as security and was later filled in for an inflated amount. These are disputed matters of fact which cannot be determined in proceedings under Section 561-A, Cr.P.C. The cheque and bank return memo were before the learned Justice of Peace. His direction was confined to recording respondent No.4's statement and proceeding under Section 154, Cr.P.C. only if the information disclosed a cognizable offence. It neither determines the truth of the allegations nor directs registration of an FIR

irrespective of the statutory test. No illegality or abuse of process warranting interference has been shown.

For the foregoing reasons, the application is **dismissed** in ***limine***, together with the listed application. If an FIR is registered, the investigating officer shall act in accordance with law. Mere nomination in an FIR, by itself, shall not be treated as sufficient ground for arrest; any decision to arrest must be supported by sufficient material and the requirements of law.

JUDGE

AHSAN K. ABRO