THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Present: Justice Jawad Akbar Sarwana

Criminal Miscellaneous Application No.S- 556 of 2024

Applicant	:	Aqeel Ahmed Mahar s/o Rafique Ali Mahar Through Mr. Ghulam Mustafa Burdi, Advocate.
		Versus
Respondent No.1	:	SHO PS Sakrand, through Miss Safa Hisbani, A.P.G.
Respondent No.2	:	Kirshan Kumar s/o Madan Das Lohana Through Mr. Abdul Aziz, Advocate.
Respondents No.3	:	Shah Muhammad s/o Mir Ghulam Hyder
Talpur.		Nemo.
Respondent No.4	:	Altaf Hussain s/o not known Mahar. Nemo.
Date of Hearing	:	24.10.2025.
Date of Short Order	:	18.11.2025.
Date of Reasons	:	04.11.2026

O R D E R

JAWAD AKBAR SARWANA, J.: Applicant/Complainant, Aqeel Ahmed Mahar s/o Rafique Ali Mahar is aggrieved by the Order dated 29.04.2024 passed by the Vth Additional Sessions Judge/Ex Officio Justice of Peace, Shaheed Benazirabad, in Cr. Misc Application No.684/2024 filed by him against the respondent no.2/proposed accused no.1, Krishan Kumar s/o Madan Das Lohana, and three others, dismissing his complaint filed against the respondents/proposed accused.

2. As per the documents available on record, the applicant/complainant has alleged that he had sold certain fertilisers to the private respondents who partly paid for the consignment by cash and promised to pay the balance amount on delivery of the remaining consignment of fertiliser. In this connection, respondent no.2/proposed accused, Krishan Kumar, issued two cheques bearing no.1855350175 dated 03.01.2024 in the sum of Rs.7,50,000 and another bearing no.1855350176 dated 12.01.2024, in the sum of Rs.15,00,000. However, when the applicant/complainant presented the two cheques for collection on 26.01.2024 and 20.02.2024, the same bounced. Consequently, the applicant initiated summary proceedings for recovery of the sum of Rs,22,50,000 by way of summary suit no.13/2024 filed before the VIth Additional District Judge, Shaheed Benazirabad and registered FIR No.62/2024 at PS Sakrand against the private respondents/proposed accused under section 489-F, 420 PPC.

3. The documents available on file reveal that, as a counter-blast, Krishan Kumar filed F.C. Suit No.52/2024 against the applicant/complainant seeking cancellation of cheque book issued by MCB Bank Ltd. Satellite Town Branch, Mirpurkhas drawn on his bank account no.1444171491002806 having leaves numbered 1855350145 to 1855350194.

4. It is not entirely clear, and Counsel for the applicant/complainant has also been unable to either explain and/or elaborate on the details to this Bench; however, it appears that the applicant/complainant initially filed Cr. Misc. Appln. No.331/2024 before the VIth Additional Sessions Judge/Ex-Officio Justice of Peace, Sakrand, seeking directions for recording his statement and registration of an FIR concerning the aforesaid bounce cheques. However, he withdrew his application vide Order dated 26.03.2024, and, once again, thereafter filed (a second) Cr. Misc. Appln. viz. Cr. Misc. Appln. No.1871/2024 before the VIth Additional Sessions Judge/Ex-Officio Justice of Peace, Shaheed Benazirabad, seeking the very same directions from the Ex-Officio Justice of Peace, which he had sought earlier in time in his first Cr. Misc. Appln. No.331/2024. Yet he also withdrew this second application vide Order dated 31.07.2024, having his lis dismissed as not pressed. Thus, the Cr. Misc. Appln No. 684/2024, filed before the Vth Additional Sessions Judge/Ex-Offico Justice of Peace, Shaheed Benazirabad is the third Cr. Misc. Appln. filed by the applicant/complaint on the same subject matter but is an altogether differently numbered Cr. Misc. Appln. The impugned Order dated 29.04.2024 arises out of this third Cr. Misc. Appln.

5. This bench also has sight of report dated 29.07.2024 addressed to the VIth Additional Sessions Judge, Sakrand in Cr. Misc. Appln. No.331/2024 (at the time numbered as Nil/2024), informing the Ex-Officio Justice of Peace that the applicant/complainant has already registered FIR No.62/2024 concerning the two aforementioned bounced cheques.

6. Given the above facts and circumstances, no case is/was made out before the Ex-Officio Justice of Peace to allow Cr. Misc. Appln. No.684/2024, concerning the same bounced cheques that are the subject matter of FIR No.62/2024. No information was provided to the Ex-Officio Justice of Peace to trigger the provisions of Section 22-A(6)(i) Cr. P.C., and I find no ground or reason to interfere with the dismissal order dated 29.04.2024, which is hereby sustained and this cr. misc. appln. no.S-556/2024 stands dismissed.

7. Thus, I passed the Short Order dated 18.11.2025, and the above are my reasons for the dismissal order.

JUDGE

Tufail