

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Misc. Application No.S-739 of 2023
(Surat Ram Vs SHO PS A-Section Sukkur & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For Orders on office objections.
2. For hearing of main case.
3. For hearing of MA No. 6128/2023 (Stay)

07-12-2023.

Mr. Danish Ali Bhatti, advocate for the applicant.
 Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

1. Complied.
- 2 & 3. The applicant by preferring the instant Crl. Misc. Application has impugned order dated 30-09-2023, passed by learned IIIrd Additional Sessions/ Ex-Officio Justice of Peace, Sukkur whereby he has directed the police to record statement of the private respondent for purpose of FIR against the applicant for allegedly having issued a cheque dishonestly.

It is contended by learned counsel for the applicant that there was disputed between the parties over possession of the plot and the subject cheque has been misused by the private respondent only to harass the applicant and such aspect of the case has been lost sight of by learned Ex-Officio Justice of Peace while directing the police to record statement of private respondent for purpose of FIR; therefore, impugned order is liable to set aside.

None has come forward to advance arguments on behalf of the private respondent; however learned Deputy P.G for the State by

supporting the impugned order has sought for dismissal of instant Crl. Misc. Application.

Heard arguments and perused the record.

There appears to be dispute between the parties over possession of the plot; the subject cheque, it is said was issued by the applicant towards the expenses to be incurred on demarcation of the plot and it has been misused by the private respondent. If for the sake of arguments, it is believed that subject cheque has been issued in favour of the applicant by the private respondent dishonestly and for that his FIR is not being recorded by the police, even then he has an alternate remedy to exhaust by filing a direct complaint of the incident before the Court having jurisdiction; such remedy if is exhausted besides being alternate would be adequate in the circumstances for the reason that the police has hardly to do anything in the case like present one, on investigation as entire evidence which is likely to be collected by the police is already lying with the private respondent; consequently impugned order is set aside.

The instant Crl. Misc. Application is disposed of accordingly.

Judge

Nasim/P.A

