

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Misc. Application No.S-650 of 2023
(Muhammad Ismail Mashori Vs The State & 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. 5445/2023 (Stay)

11-12-2023.

Mr. Ameenuddin Khaskheli, advocate for the applicant.
Mr. Safdar Ali Ujjan, advocate for the private respondent.
Mr. Imran Mobeen Khan, Assistant Prosecutor General.

IRSHAD ALI SHAH,J;- The applicant by preferring the instant Crl. Misc. Application has impugned order dated 23-08-2023, whereby learned IInd Additional Sessions Judge/Ex-Officio Justice of Peace, Naushahro Feroze 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.

2. It is contended by learned counsel for the applicant that the parties are disputed over settlement of account 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 being illegal is liable to set aside by this Court.

3. Learned Assistant P.G for the State and learned counsel for the private respondent by supporting the impugned order have sought for dismissal of instant Crl. Misc. Application by contending that the

allegation made by the private respondent constitutes a cognizable offence.

4. Heard arguments and perused the record.

5. There appears to be dispute between the parties over settlement of account and subject cheque is alleged to have been misused by the private respondent. If it is believed that subject cheque has been issued in favour of 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 by him besides being alternate would be adequate in the circumstances of the case 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.

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

Judge

Nasim/P.A

