

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Misc. Application No.S-319 of 2024

(Zaheer Ahmed Tahir Abro Vs. The State & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For Orders on office objection.
2. For hearing of main case.
3. For hearing of MA No. 2783/2023 (Stay)

16-04-2024.

Mr. Abdul Rahim Mahar, advocate for the applicant.
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

1. Over ruled.

2&3. It is alleged by the private respondent that the applicant has issued cheques in its favour dishonestly, those were bounced, when were presented before the concerned Bank for encashment. On the basis of such allegation the private respondent by filing an application under section 22 A/B Cr.P.C sought for direction against the police to record the FIR for the said incident, it was issued accordingly by learned IIIrd Additional Sessions Judge/Ex-Officio Justice of Peace, Khairpur vide order dated 10-04-2023, which is impugned by the applicant before this Court by way of instant CrI. Misc. Application u/s 561-A Cr.P.C.

It is contended by learned counsel for the applicant that the subject cheques have been misused by the private respondent and such aspect of the case has been lost sight of by learned Ex-Officio Justice of Peace while passing the impugned order, same being illegal is liable to be set aside by this Court.

None has come forward to advance arguments on behalf of the private respondent; however learned DPG for the State did not support the impugned order.

Heard arguments and perused the record.

The private respondent is a Micro Finance foundation which is extending loan to the needy persons for help. The subject cheques are alleged to have been misused by the private respondent those even otherwise were issued as guarantee for return of loan allegedly extended to one Muhammad Hanif Dharejo. In these circumstances, learned Ex-Officio Justice of Peace ought not to have directed the police to record FIR of the incident by way of impugned order, it is set aside directing the private respondent to have a recourse for return of its loan in accordance with law, if so is extended or to have a recourse u/s 200 Cr.P.C.

Instant Crl. Misc. Application is disposed of accordingly.

J U D G E

Nasim/P.A

