

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Misc. App. No. S – 511 of 2023
(*Tariq Mehmood Arain versus The State & others*)

Cr. Misc. App. No. S – 512 of 2023
(*Tariq Mehmood Arain versus The State & others*)

Cr. Misc. App. No. S – 513 of 2023
(*Tariq Mehmood Arain versus The State & others*)

Cr. Misc. App. No. S – 514 of 2023
(*Tariq Mehmood Arain versus The State & others*)

Date of hearing & order : **22.04.2024**

Mr. Safdar Ali Bhatti, Advocate for applicant.
M/s Manzoor Hussain N. Larik and Waqar Ali Phulpoto, Advocates for respondent No.4.
Mr. Zulfiqar Ali Jatoi, Additional Prosecutor General.

ORDER

Muhammad Iqbal Kalhoro, J. – These are four (04) applications directed against impugned order dated 24.07.2023, passed separately in each case by learned Additional Sessions Judge-II / Ex-Officio Justice of Peace, Khairpur, directing SHO, Police Station Shah Latif @ Shaheed Murtaza Mirani to record a statement of respondent No.4 and find out if a cognizable offence is made out, if so, to incorporate the same into the book kept u/s 154 CrPC. These directions have been given by the learned Additional Sessions Judge on the applications filed by respondent No.4, seeking his indulgence for registration of FIR(s) against applicant for issuing four (04) dishonest cheques to him against an amount of Rs.22 Million, which applicant owed to him on account of some business transaction.

2. Learned Counsel for the applicant submits that learned trial court was required to give directions in one case only to register the FIR against the applicant even if there were four (04) dishonoured cheques because the transaction, in which they have been purportedly issued, is the same. His arguments have been rebutted by learned Counsel for respondent No.4 and Additional Prosecutor General, who submit that disputed cheques were presented in the bank and were dishonoured; hence, a cognizable offence u/s 489-F PPC is made out against applicant.

3. After hearing the parties and perusing material available on record, I do not find any illegality in the impugned order, whereby directions have been given to the SHO concerned for recording a statement of respondent No.4 in each case, and if a cognizable offence is made, register the FIR, investigate the same and submit the Challan if he finds any evidence against the applicant. It is only in the investigation the fact whether the four (04) disputed cheques pertain to the same transaction or not will be found out, and only on such inference, it would be possible and within domain of the IO to submit one Challan in all the cases instead of four different Challans against each FIR. Registration of FIR does not mean that in the all events the case would be challaned and the Court would take cognizance of the offence. Therefore, the apprehension of the applicant that four different cases are going to be registered against him with four Challans is premature and ill-founded.

4. Accordingly, therefore I do not find any merit in the applications and **dismiss** the same along with pending application(s) if any.

J U D G E

Abdul Basit