

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Misc. Appl. No.1052 of 2024
(Muddasir Qureshi v. Mr. Orangzaib Mehmood and others)

Date	Order with signature of Judge
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1. For orders on MA No.14184/2024
2. For orders on office objection & reply of Adv at flag A
3. For orders on MA No.14185/2024
4. For hearing of main case

22.10.2024

Mr. Nisar Ahmed Khan, advocate for the applicant

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1. Urgency granted.
2. Deferred.
3. Granted subject to all just exceptions.
4. It is alleged by the applicant that on account of the sale / purchase of the plot, a cheque in his favour was issued by the proposed accused, it was bounced by the concerned bank when was presented there for encashment. Based on such allegations, the applicant by making an application u/s 22-A/B Cr.PC sought the direction against SHO PS Shahrah-e-Faisal Karachi to record his FIR; it was dismissed by learned XIIth- Additional Sessions Judge/ Ex-Officio Justice of Peace Karachi East vide order dated 19.09.2024, which is impugned by the applicant before this Court by making the instant application u/s 561-A Cr. PC.

It is contended by learned counsel for the applicant that the cognizable offence has taken place, therefore, learned Ex-Officio Justice of Peace ought not to have dismissed the application of the applicant by way of the impugned order, therefore, the same being illegal is to be examined by this Court.

Heard arguments and perused the record.

Apparently, the applicant and the proposed accused are disputed over the sale and purchase of the plot; the subject cheque as per the impugned order was issued in favour of the applicant as a guarantee and its encashment was withheld on account of the failure of the applicant to transfer the subject plot in favour of the proposed accused. Such a dispute could safely be resolved by the Civil Court having jurisdiction. If for the sake of arguments, it is believed that the incident as alleged by the applicant has taken place and for that his FIR is not being recorded by the police, then he has remedy to exhaust by filing a direct complaint of the incident before the Court having jurisdiction for the reason that the evidence which is likely to be collected by the police on the investigation is available with the applicant. Such remedy if exhausted besides being alternate would be adequate in the circumstances. Even otherwise no illegality is noticed in the impugned which may justify this court to interfere with the same by way of the instant Crl. Misc. Application under Section 561-A Cr.PC, it is dismissed in *limine*.

J U D G E

Nadir*