

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

*Criminal Miscellaneous Application No. S-20 of 2026
(Ashfaque Ali vs. SHO Police Station Market Larkana and others)*

<u>Date</u>	<u>Orders with signature of Judge</u>
	<ol style="list-style-type: none">1. For orders on M.A No.379/26 (U/A).2. For orders on office objection flag 'A'.3. For hearing of main case.4. For hearing of MA No.314/26 (S/A)

26-01-2026.

Mr. Zeb Hussain Pathan, Advocate alongwith applicant.

Mr. Aitbar Ali Bullo, Deputy Prosecutor General Sindh.

Ali Haider 'Ada-Ji:- Through this Criminal Miscellaneous Application, the applicant / proposed accused has assailed the order dated 17.01.2026 passed by the learned Additional Sessions Judge-I / Ex-Officio Justice of Peace, Larkana, whereby an application filed by respondent No.3 under Section 22-A, 22-B, Cr.P.C. was allowed, directing the police functionaries to record his statement in terms of Section 154, Cr.P.C.

2. Briefly stated, respondent No.3 filed an application under Section 22-A and 22-B, Cr.P.C., alleging therein that the applicant / proposed accused had issued certain cheques in his favour, which were subsequently dishonoured despite repeated demands.

3. Learned counsel for the applicant contends that the amount received by the applicant had already been duly paid to respondent No.3 and that the dispute, if any, was purely of a civil nature. He further submits that no doubt, Section 489-F, P.P.C. is attracted; however, the learned Justice of Peace failed to examine the ingredients in their true perspective and mechanically issued directions for registration of the FIR.

4. On the other hand, learned D.P.G. submits that a bare perusal of the record reveals that the learned Justice of Peace passed the impugned order strictly in accordance with law, as a cognizable offence was *prima facie* made out. He, therefore, prays for dismissal of the instant application.

5. Heard the arguments of learned counsel for the parties and perused the material available on record.

6. It is an admitted position that the cheques in question were issued by the applicant; however, the purpose for which the said cheques were issued is disputed between the parties. Such controversy necessarily requires proper investigation. It is a settled proposition of law that the investigation is to be carried out after registration of the FIR and not prior thereto. Once a cognizable offence is disclosed from the face of the complaint, registration of FIR under Section 154, Cr.P.C. becomes a statutory obligation of the police.

7. Moreover, it was also conceded from the side of the applicant that a cognizable offence has been alleged. In such circumstances, the learned Justice of Peace was well within his jurisdiction to issue directions to the police for recording the statement of the complainant and taking action in accordance with the law.

8. It is the prime duty of the Justice of Peace to redress the grievances of an aggrieved person, and where a cognizable offence is *prima facie* made out, without any apparent *mala fide* or abuse of process, interference at this stage is unwarranted. Reliance in this regard is placed upon **Syed Qamber Ali Shah v. Province of Sindh (2024 SCMR 1123)**.

9. In view of the above facts and circumstances, no illegality or infirmity has been pointed out in the impugned order, warranting interference by this Court. Consequently, the instant Criminal Miscellaneous Application is dismissed, being devoid of merit.

JUDGE

Irshad Ali M/Steno