

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Criminal Miscellaneous Application No.S- 210 of 2026

DATE	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 3215/2026.

11.05.2026.

Mr. Shakir Nawaz Shar, Advocate for applicant.
Mr. Hyder Raza Arain, Advocate for respondent No.3.
Mr. Shahid Shaikh, Additional P.G for State.

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The applicant, Muhammad Ali is aggrieved by order dated 16.04.2026 passed by the 2nd Additional Sessions Judge/Ex-Officio Justice of Peace, Shaheed Benazirabad in Criminal Miscellaneous Application No.792/2026.

On 21.04.2026 this Court passed orders temporarily suspending the impugned order dated 16.04.2026 to the extent of its operation against the applicant/proposed accused Muhammad Ali s/o Muhammad Hassan by caste Shar alone. While it was ordered therein that the impugned order would not in any way impede the recording of statement of the complainant/respondent No.3; it also qualified that no adverse action shall be taken against the present applicant (Muhammad Ali) if information gathered requires a registration of FIR and/or possible arrest. Accordingly, with the ad-interim order was in force, temporarily atleast until the next hearing date. Counsel for the respondent No.3 submits that when an FIR was registered in relation to the subject matter of the impugned order, the applicant (Muhammad Ali) was not impleaded in the said FIR because of the ad-interim order passed by this bench.

Heard counsel. Based on information available it appears that the cheques in question have been signed by one Mehboob Ali. Further, one, Mst. Kausar Bano is one of the directors of the company i.e. ICEATIVEZ

TECHNOLOGIES (PRIVATE) LTD on which the alleged bounced cheque was drawn. Moreover, applicant's counsel submits that the applicant, Muhammad Ali, was merely acting as a post office in the matter and allegedly had no further nexus to the subject matter.

I have reconsidered the impugned order dated 16.04.2026 in light of the fresh submissions and find that as per law any person who has information of an offence having been committed is entitled under the law to provide such information to the Police Station. Once such information is provided it is upto the police officer to determine whether any offence is revealed and if an offence is revealed whether it is cognizable or a non-cognizable. The Criminal Procedure Code and Police Rules provide ample guidance to police officers to proceed in either situation, as well as the situation where false information has been provided. The police official shall apply his own mind and act in accordance with law.

In view of the above observations, the ad-interim order dated 21.04.2026 suspending the impugned order dated 16.04.2026 is hereby recalled. The police authorities are at liberty to record and act upon the statement of complainant/respondent No.3 as deemed appropriate and/or take further action in accordance with law within ten (10) days from today including, inter alia, recording further statement of the complainant, as the case may be with the police official's actions guided by his independent application of mind. For clarification, none of the observations concerning the case will influence the police authorities. Additional Prosecutor General shall communicate the aforesaid timeline to the concerned SHO.

This Criminal Miscellaneous Application stands disposed of in the above terms along with pending application.

JUDGE