

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl.Misc. Application No.S-346 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicant: Riaz Ali son of Kundal Khan Jarwar
Through Mr.J.K.Jarwar, Advocate.

The State: Through Mr.Mansoor Ahmed Shaikh, D. P.G.

Proposed accused:: Muhammad Farooque S/O Abdul Razzaq Rajput
Through Mr.Nadeem Shahbaz Shar Advocate.

Date of hearing & order: 05.10.2026.

Suresh Kumar J:- Through this Criminal Misc. Application under Section 561-A, Cr.P.C, the applicant has impugned the Order dated 15.05.2025 passed by learned Additional Sessions Judge, /Ex-officio Justice of Peace Kandiaro in Crl; Misc. Application No.1347/2026 (Re. Muhammad Farooque v. the State and others), thereby allowed the application under section 22-A- & 22-B Cr.P.C. for registration of FIR.

2. The facts leading to the present application indicate that the proposed accused, Riaz Ali Jarwar, issued a cheque amounting to Rs. 30,00,000/- dated 25.02.2026 from Bank Al-Habib Limited, Mehrabpur Branch, in favor of the applicant. However, this cheque was dishonored upon presentation due to insufficient funds in the drawer's account, as confirmed by the memo dated 06.03.2026. Consequently, a cognizable offense under Section 489-F of the Pakistan Penal Code (PPC) was established. Following this, a Criminal Miscellaneous Application was filed, seeking directions for the registration of an FIR, which was granted by an order dated 15.05.2026. This order is now being challenged through the current Criminal Miscellaneous Application.

3. Learned counsel for applicant has contended that amount of cheque has already been paid by the applicant to the complaint/respondent No.4. He

has further contended that learned Additional Sessions Judge/Ex-officio Justice of Peace Kandiaro has not applied his judicial mind while passing the impugned order. He has lastly contended that impugned order is much against the law and natural justice and case of cognizable offence is not made out. He lastly contended that impugned order passed by learned Ex.Offio Justice of peace may be set-aside.

4. Learned Deputy P.G. Sindh, has supported the impugned order dated 15.05.2025, and he has also contended that Police is bound to register the FIR under section 154 Cr.P.C, if a cognizable offence is made out. Learned trial Court has rightly directed the applicant to record his statement as the cheque issued by the applicant was bounced, therefore, the cognizable offence under section 489-F PPC is made out.

5. Learned counsel for complainant/respondent No.4, has adopted the same arguments as made by learned DPG and also prayed for dismissal of this CrI. Misc. Application.

6. Having given due consideration to the arguments advanced by the learned counsel for the applicant, the learned Deputy Prosecutor General (DPG), as well as the complainant, and having perused the relevant material, it is evident from the examination of the impugned order dated 06.08.2025 that the learned Additional Sessions Judge/Ex-officio Justice of Peace, Kandiaro, has passed the following order:

3. According to the applicant, propped accused Riaz Ali Jarwar given cheque amounting to Rs.30,00,000/- dated 25.2.2026 of Bank Al-Habib Limited Mehrabpur Branch in favour of` applicant but the same was dishonoured by the concerned Bank on its presentation due to insufficient Funds in Drawer's Account as per memo dated 06.03.2026, thereby cognizable offence under section 489-F PPC appears to be made out.

4. In view of above circumstances, the instant application is allowed by directing the SHO pS concerned to record the statement of applicant and if the cognizable offence is made out then incorporate the same into 154 Cr.P.C book with further directions not to arrest the accused until and unless some tangible evidence come on record against him. However, the SHO PS concerned is at liberty to initiate proceedings U/S 182 Cr.P.C against the applicant/complainant in case of giving false statement.

7. Admittedly, the cheque was bounced, for which the learned Additional Sessions Judge/Ex-officio Justice of Peace, Kandiaro, has rightly observed that a cognizable offence is made out. The learned counsel for the applicant has failed to point out any illegality in the impugned order dated 15.05.2026, passed by the learned Additional Sessions Judge/Ex-officio Justice of Peace, Kandiaro. It is well-settled law that the Station House Officer (SHO) is bound to register an FIR if a cognizable offence is established based on the statement of the complainant. In the present case, the cheque was bounced, for which prima facie, Section 489-F of the Pakistan Penal Code (PPC) is attracted, constituting a cognizable offence.

8. For the reasons above, I am of the considered view that application merits no consideration, therefore, the same is hereby dismissed and impugned order dated 15.05.2026, passed by learned Additional Sessions Judge/Ex-officio Justice of Peace Kandiaro, is maintained.

J U D G E