

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-2002 of 2026

[Shahzaib vs. Province of Sindh and others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	By Mr. Wali Khan advocate
Respondents 1to4:	By Mr. Rafique Ahmed Dahri Additional A.G Sindh a/w SIP Ali Khan Noonari
Respondent No.5:	By Mr. Waris Ali Almani advocate
Date of hearing	20.10.2026
Date of Decision	20.10.2026

O R D E R

ADNAN-UL-KARIM MEMON J:- The petitioners seek quashment of FIR No.358/2026 dated 23.09.2026, registered under Section 489-F PPC at Police Station T.M. Khan, on the ground that it arises from the same business transaction and cheque series already forming the subject matter of FIR No.307/2026. They contend that registration of successive FIRs on the basis of separate dishonoured cheques arising from the same transaction amounts to misuse of criminal process. Relying upon Hamid Khan v. The State (2022 MLD 31), they seek a direction that the subsequent and remaining cheques be dealt with through further investigation and a supplementary report under Section 173 Cr.P.C. in the first FIR, without registration of separate FIRs or fresh arrest merely on account of subsequent dishonour.

2. The learned AAG submits that FIR No.307/2026 was registered on 18.08.2026 under Section 489-F PPC on the complaint of Abdul Hafeez Shaikh, in which the petitioner obtained pre-arrest bail and the report under Section 173 Cr.P.C. was submitted before the competent Court. Subsequently, upon production of another dishonoured cheque on 23.09.2026, FIR No.358/2026 was registered. It is further submitted that, pursuant to the directions issued by the learned II Additional Sessions Judge, Tando Muhammad Khan, in proceedings under Section 22-A/B Cr.P.C., FIR No.358/2026 has been cancelled under Class 'C', and a supplementary report has been prepared for submission before the competent Court.

3. In view of the submissions made by the learned AAG, it appears that FIR No.358/2026 has already been cancelled under Class 'C' and a supplementary report has been prepared for submission before the competent Court in connection with the subsequent dishonoured cheque.

4. In these circumstances, the grievance of the petitioners, to the extent of registration of a separate FIR arising out of the same business transaction, stands substantially redressed. The remaining question regarding the treatment of the subsequent cheque(s) may appropriately be considered by the competent Court in accordance with law, keeping in view the principles laid down in Hamid Khan v. The State (2022 MLD 31).

5. Consequently, without touching the merits of the case, this petition is disposed of, along with pending applications, with the direction to the investigating agency to proceed in accordance with law and submit the supplementary report before the competent Court, which shall independently examine the matter without being influenced by any observation made herein. However the police shall follow the law and decisions of the High Courts on the subject issue and no unnecessary indulgence in the private affairs shall be called unless they find a cognizable offence.

JUDGE

JUDGE

Sajjad Ali Jessar