

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1433 of 2026

[Muhammad Fayyaz Solangi vs. Province of Sindh and others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	By Mr. Ghulam Farooque Solangi, Advocate
Respondents 1to8:	By M/s Rafique Ahmed Dahri Additional A.G Sindh and Irfan Ali Talpur Additional P.G Sindh a/w Inspector Manzoor Ali and IO ASI Moula Bux Solangi
Respondent No.9:	None present
Date of hearing	21.10.2026
Date of Decision	21.10.2026

O R D E R

ADNAN-UL-KARIM MEMON J. - The petitioner seeks a declaration that the subsequent FIRs bearing Crime Nos.158/2026 at Police Station A-Section, Dadu, and 214/2026 at Police Station Hatri, Hyderabad, registered on the same cause of action, involving the same series of cheques and accused as FIR No. 380/2025, are illegal and an abuse of the process of law. He further seeks suspension of the proceedings arising from both subsequent FIRs, restraint against registration of any further FIRs concerning the specified cheques.

2. Learned counsel for the petitioner submits that the petitioner served in Pakistan Army as Naib Subedar from 05.08.1998 until his medical retirement on 05.01.2021 after approximately 22 years of service. He alleges that his brother, Muhammad Nawaz Solangi, had borrowed Rs. 200,000/- from respondent No.11, which was repaid; however, respondent No.11 continued demanding money on interest and threatened the petitioner and his family. On 02.11.2025, respondent No.11, along with his uncle and armed associates, allegedly detained and intimidated the petitioner and his brother at gunpoint, took possession of the petitioner's car keys and original documents, obtained eight signed cheques bearing Nos. 41462393 to 41462400, and forcibly secured their signatures on blank stamp papers. The petitioner alleges that respondent No.11 subsequently fabricated a private settlement and falsely attributed a liability of Rs.18,800,000/- to them. He contends that respondent No.11 initiated three criminal cases arising from the same alleged transaction and series of cheques, i.e. Crime No.380/2025 under Section 489-F PPC at Police Station "A" Section Dadu, Crime No.158/2026 under Sections 489-F and 406 PPC at the same police station, and Crime No.214/2026 under Sections 420, 406 and 489-F PPC at Police Station Hatri, Hyderabad. He maintains that the subsequent FIRs were registered to harass and pressurize him and his brother, despite the first case already being under trial

and the relevant cheques bearing the endorsement “payment stopped by the drawer.” According to the petitioner, learned Additional Sessions Judge-I, Dadu, while confirming their pre-arrest bail in Crime No.158/2026, observed that multiple FIRs concerning the same cause of action were not maintainable and that the dispute appeared to be civil of nature. The challan in Crime No.380/2025 was submitted on 03.02.2026, while the challan in Crime No.158/2026 was submitted on 04.07.2026. The petitioner further states that his brother was arrested in Crime No.214/2026 and subsequently granted bail on 09.07.2026, whereas the petitioner was granted pre-arrest bail by the learned Ist Additional Sessions Judge, Hyderabad, on 22.07.2026. The petitioner, therefore, contends that the registration of multiple FIRs on the basis of same transaction and series of cheques constitutes an abuse of process of law, exposes him to parallel criminal proceedings before courts in different districts, and violates Article 13 of the Constitution. He argues that any subsequent material relating to the same transaction could have been incorporated into the investigation of the first FIR through a supplementary challan rather than initiating fresh criminal proceedings. Accordingly, he seeks a declaration that Crime Nos.158/2026 and 214/2026 are illegal and liable to be quashed, suspension of further proceedings in the said cases during pendency of the petition, and restraint against registration of further FIRs concerning the remaining five cheques arising from the alleged transaction. In support of his contentions, learned counsel has relied upon the cases of *Hamid Khan v. The State and 2 others* (2022 MLD 31), *Rehan Ahmed Siyal v. Province of Sindh & others* (CP No. D- 121 of 2026),

3. Learned A.A.G submits that the petitioner’s grievance arises out of a monetary dispute with private Respondent No.09, Ghulam Hussain Leghari, who lodged FIR No.380/2025 under Section 489-F PPC against the petitioner and another at Police Station A-Section, Dadu. Subsequently, pursuant to the order dated 30.04.2026 passed by the learned Additional Sessions Judge-I, Dadu, FIR No.156/2026 under Sections 489-F and 406 PPC was also registered against them. The investigations were completed, and the final reports/challans were submitted before the competent court. He prayed to dismiss the petition.

4. We have heard learned counsel for the petitioner and the learned Additional Advocate General, and have examined the available record.

5. The controversy requiring determination is whether multiple FIRs can lawfully be registered against the petitioner and his brother in respect of the same underlying transaction, the same alleged liability and a series of cheques, by adding different penal provisions or registering cases at different police stations.

6. The settled principle of criminal law is that there can ordinarily be only one FIR in respect of one cognizable occurrence or transaction. In *Mst. Sughran Bibi v. The State* (PLD 2018 SC 595), the Honourable Supreme Court explained the legal framework governing registration of an FIR and the subsequent investigation of the same occurrence. A subsequent version, additional evidence or further material relating to the same

occurrence is to be dealt with in accordance with law during investigation and through the appropriate supplementary report, rather than by registering another FIR. The prohibition, however, is against multiplicity of FIRs concerning the same occurrence; it does not confer immunity from prosecution for a genuinely separate occurrence or an independent offence disclosed by distinct facts.

7. In the present case, the petitioner alleges that eight signed cheques, bearing Nos. 41462393 to 41462400, were obtained from him and his brother under coercion and were subsequently used to initiate multiple criminal proceedings on the basis of an alleged liability of Rs.18,800,000/-. According to the petition, Crime No.380/2025 was registered first under Section 489-F PPC, followed by Crime No.158/2026 under Sections 489-F and 406 PPC and Crime No.214/2026 under Sections 420, 406 and 489-F PPC.

8. However, it is for the Magistrate concerned to examine the respective FIRs, and the underlying record if establishes that the subsequent cases concern the same transaction, the same alleged liability and the same series of cheques, the mere addition of Sections 406 and 420 PPC or the registration of a case at another police station would not, by itself, justify separate FIRs. The substance of the allegations, rather than the number of penal provisions invoked, determines whether the cases arise from the same occurrence.

9. At the same time, the addition of Sections 406 and 420 PPC cannot be disregarded merely because Section 489-F PPC is already invoked. Criminal breach of trust and cheating have their own essential ingredients, and their applicability depends upon the particular allegations and supporting material. However it is for the Magistrate concerned to examine if the subsequent FIRs disclose genuinely distinct acts of entrustment, misappropriation, deception or another independent occurrence, their legality must be assessed on that basis. Conversely, where the additional provisions merely describe different legal characterizations of the same alleged transaction and do not disclose any separate occurrence, their inclusion cannot be used as a device to multiply criminal proceedings against the accused.

10. It is also necessary to distinguish a prosecution under Section 489-F PPC from a proceeding for recovery of money. The provision penalizes the dishonest issuance of a cheque towards repayment of a loan or fulfilment of an obligation, followed by its dishonour. Its essential ingredients include dishonest issuance, an underlying loan or lawful obligation, and dishonour upon presentation. Mere dishonour of a cheque, or the existence of a monetary dispute, does not automatically establish the offence. Equally, a dispute involving money does not become exclusively civil merely because recovery may also be sought through civil proceedings. Whether the cheques were voluntarily issued against a genuine liability, or were obtained through coercion as alleged by the petitioner, involves factual questions that ordinarily require examination of the relevant evidence by the learned Magistrate.

11. The submission that the subsequent FIRs constitute an abuse of process, therefore, cannot be accepted or rejected merely on the basis of the parties' rival assertions. The fact that challans have been submitted in the earlier cases does not, by itself, validate subsequent FIRs if they relate to the same occurrence. Nor does the pendency of the first prosecution necessarily warrant quashing every later case if an independent cognizable offence is disclosed. The trial Court must compare the contents of the FIRs, the cheque numbers and amounts involved, the alleged dates and circumstances of issuance, the asserted underlying liability, and the material collected during investigation. The alleged observation of learned Additional Sessions Judge regarding the maintainability of multiple FIRs may be relevant, but its precise terms and legal effect must be ascertained by the learned Magistrate.

12. The petitioner's reliance upon Article 13 of the Constitution also requires consideration. The constitutional protection against being prosecuted or punished more than once for the same offence does not automatically render every subsequent FIR unconstitutional merely because an earlier case is pending.

13. The immediate question here is whether the subsequent registrations violate the settled rule against multiple FIRs for the same occurrence and amount to an abuse of the criminal process. That question must be determined by the learned Magistrate on the facts and applicable law, independently, whether the constitutional bar against double jeopardy has been attracted.

14. In view of the foregoing, the learned Magistrate concerned shall examine the original record of Crime Nos.380/2025, 158/2026 and 214/2026, including the respective FIRs, challans and relevant orders of the courts below. If the record establishes that Crime Nos.158/2026 and 214/2026 are merely successive criminal proceedings founded upon the same transaction and series of cheques already forming the subject matter of Crime No.380/2025, with no distinct occurrence or independent criminal act disclosed, their continuation would amount to an abuse of process and they would be liable to be quashed, without prejudice to the lawful continuation of the first prosecution. Any additional material concerning the same occurrence may be dealt with by the Magistrate in accordance with the applicable procedure. However, if the subsequent FIRs disclose distinct criminal acts supported by independent allegations, this aspect needs to be examined by the learned Magistrate after hearing the parties concerned.

15. Accordingly, the petition is disposed of in the above terms.

JUDGE

JUDGE