HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Miscellaneous Application No.S-618 of 2026

Applicant:	Muhammad Uzair Memon through Mr. Mujahid Ali Shah, Advocate.
Respondents No.1,2&4:	Senior Superintendent of Police, Hyderabad and others through Mr. Khalid Hussain Lakho, Deputy Prosecutor General, Sindh.
Respondent No.3:	Nemo.
Date of hearing:	02.11.2026.
Date of order:	02.11.2026.

O R D E R

MUHAMMAD HUMAYON KHAN, J: - Through this application under section 561-A, Cr.P.C., the applicant impugns the order dated 01.09.2026 passed by the learned II-Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad, in Criminal Miscellaneous Application No.5949 of 2026, declining directions for registration of an FIR against respondent No.3, Wahid Bux.

2. Briefly, the applicant alleges successive vehicle transactions with respondent No.3, involving advances, substitutions and failure to transfer ownership. Upon return of the vehicles, respondent No.3 allegedly issued cheques for Rs.8,600,000/- and Rs.1,500,000/- towards the outstanding amount. Both allegedly dishonored; police inaction led to the application before the Justice of Peace, which was dismissed.

3. Learned counsel for the applicant contends that the cheques discharged an acknowledged liability of Rs.10,100,000/-. He challenges the description of the instruments as mere guarantees and alleges selective reading of paragraph 13 of the original application. He submits that repeated assurances, non-transfer of vehicles and dishonor disclose a cognizable offence requiring investigation.

4. Learned D.P.G., Sindh, opposes the application, submitting that the dispute concerns successive contractual dealings and adjustments. He supports the refusal of directions, contending that the material presented does not sufficiently demonstrate dishonest issuance of the cheques towards a crystallized obligation.

5. The question is whether the material placed before this Court establishes grounds for interference under section 561-A, Cr.P.C. The jurisdiction is exercised to prevent abuse of process or secure the ends of justice. At this stage, the applicant needs not prove guilt; nevertheless, the factual foundation of a cognizable offence must be disclosed, and refusal of directions cannot be overturned merely to facilitate recovery of a disputed contractual claim.

6. Section 489-F, P.P.C., requires dishonest issuance of a cheque towards repayment of a loan or fulfillment of an obligation, followed by dishonor. Dishonor alone is insufficient. The Supreme Court reiterated these ingredients in *MUHAMMAD ANWAR v. The STATE and another [2024 SCMR 1567]*. Equally, the civil origin of a transaction, or use of the expression "security", does not by itself exclude criminal liability where those ingredients are otherwise disclosed.

7. The applicant's assertion that the cheques represented a final repayment obligation has been considered.

8. An assurance of encashment does not, standing alone, resolve the controversy regarding the purpose for which the cheques were issued or establish dishonest intention. As regards the allegation of selective reading of paragraph 13 of the application before the Justice of Peace, the said paragraph states: “The accused expressly represented that the said cheques were issued as security/guarantee for the payment of the amount legally due and payable to applicant and assured him that the cheques would be honored upon presentation.” The generalized allegations of fraud and threats also lack particulars sufficient to demonstrate an independent cognizable occurrence on this record. Non-performance and subsequent refusal, without an adequate factual nexus to deception or dishonest issuance, cannot automatically supply the missing criminal ingredients. These deficiencies are considered cumulatively and without requiring proof beyond reasonable doubt or deciding disputed facts against the applicant.

9. On the material presented, no demonstrable misreading, jurisdictional defect or other ground warranting inherent interference has been established. The application is accordingly **dismissed**, and the impugned order is maintained. The applicant remains at liberty to pursue an appropriate civil remedy or a private complaint under section 200,

Cr.P.C., in accordance with law. These observations shall not prejudice adjudication by the competent forum.

JUDGE

Abdullah Channa/PS