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IN THE COURT OF **ABDUL BASIT**  
**ADDITIONAL SESSIONS JUDGE-II, ORAKZAI**

Petition no. 05/04 Cr.MA of 2024

**Order--05**

Petitioner in person is present.

27.04.2024

Respondent no. 1 in person is present.

Arguments have already been heard and record perused.

Petitioner Syed Taqdeer s/o Syed Wasi Syed r/o Quom Saidaan Tappa Kalaya Saidaan, Tehsil Lower District Orakzai has filed this petition u/s 22-A CrPC for issuance of direction to respondent no. 2 to register a criminal case against Jehanzeb Ali s/o Gul Khan resident of Quom Mani Khel Tappa Ahmad Khel, Tehsil Lower District Orakzai, respondent no. 1, under the relevant provisions of the law.

Petitioner contends that his signed bank cheque no. 10078178 bearing amount of Rs. 450,000/- of Bank Al-Habib, the cheque in question, got lost from his clerk Asif Ali on 07.10.2023, whereat, he has made report in Kalaya Police Station, Orakzai, which was reduced into writing vide daily diary no. 13 dated 07.10.2023; that the cheque in question was found by respondent no. 1, who instead of returning it to him, altered the amount with Rs. 15,050,000/-, whereby, committed the cheating and criminal breach of trust; that the above facts were brought into the notice of respondent no. 2 for registration of case but no action so far has been taken against respondent no. 1; that respondent no. 1 presented the cheque in question in the bank, which was bounced due to insufficient amount in it, whereat, respondent no. 1 has charged him with malafide intention; that the respondent no. 1 has committed a cognizable offence but no case has been registered against him till now; therefore, petitioner has prayed to issue direction to respondent no. 2 to register an FIR against respondent no. 1 as per law.

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27/04/2024  
**Abdul Basit**  
Addl. District & Sessions Judge-II  
Orakzai at Baher Mela,  
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On receipt of petition, comments were sought from police. The comments received, according to which the local police concluded that respondent no. 1 has actually made alterations in cheque in question, committed fraud, cheating and thus reported that a cognizable offence has been committed.

The scope for disposal of petition under section 22-A CrPC as per law and verdicts of august Supreme Court of Pakistan is very much restricted and being ex-officio justice of peace, I have only to consider the factum that whether any cognizable offence has been committed or not. So in the backdrop of record available before the court, comments so received and arguments advanced by learned counsel for parties, I, instead of touching the merits of the case, have reached to a conclusion that the SHO in his comments has explicitly remarked that respondent no. 1 has made the alterations in the cheque in question, committed the cheating and fraud viz a viz a cognizable offence, which avails that the local police has come to a conclusion that the respondent no. 1 has committed a cognizable offence but to my understanding they are presently avoiding to lodge the FIR due to pending of the petition in hands; therefore, the petition in hands is dismissed being infructuous for the above stated reasons and petitioner is advised to appear before the SHO concerned for further proceedings else he may approach the proper forum to redress his grievances and avail the legal remedy.

It will be at the cost of repetition that SHO is bound to register an FIR under section 154 CrPC, where he reaches to a conclusion that cognizable offence has been committed.

File consigned to record room after completion & compilation.



**Announced**  
27.04.2024

**(Abdul Basit)**  
Addl. Sessions Judge-II/Justice of Peace,  
Orakzai