Chaudhry Zafar Maqsood-----Vs.------SP Complaint etc

Petition u/s 22-A/B Cr.P.C.

02.06.2025

Present: Ch. Muhammad Mohsin Maqsood Advocate, learned counsel for the petitioner
Learned SPP for the State.

ORDER:

This petition under Section 22-A/B Cr.P.C has been filed by invoking powers of this Court as Ex-Officio Justice of the Peace seeking issuance of direction to the SHO PS Ramna to register a criminal case against the proposed accused.

2. Petitioner is desiring for registration of criminal case against the proposed accused on the allegation that he handed over to the proposed accused M. Ahmar Bilal on his need who is also engaged in the business of sale and purchase of properties, an amount of Rs.12,00,000/- as consideration to two plot files of measuring 05 marla New City Paradise Housing Society, out of total amount an amount of Rs.6,50,000/- was paid to the accused through cash & cheque and the remaining Rs.5,50,000/- was paid in cash on 08.11.2024 and it was settled that the accused will hand over the said plot files to the petitioner within 10 days, but expiry of period of 10 days, the proposed accused did not hand over the said plot files. On the request of petitioner, the accused did not return the said plot files and lastly fully refused to hand over the plot files to the petitioner and for the payment of the amount Rs.12,00,000/- accused issued a cheque No.D-44695388, amounting to Rs.12,00,000/- dated 31.12.2024 of Meezan Bank, G-11 Markaz Branch Islamabad in the name of Reality 21 to petitioner and ask petitioner to submit the aforementioned cheque in bank account on fixed date to receive the amount but when the said cheque was presented before the concerned bank on the date fixed, the same got dishonor because of insufficient funds in the accounts of proposed accused.

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3. Learned counsel for the petitioner has contended that petitioner moved an application to the SHO concerned for taking legal action against the proposed accused but no action was taken. That from bare reading of application, cognizable offence is made out. That respondent is duty bound to register FIR against the proposed accused but respondent is reluctant to do so. That feeling aggrieved thereof, petitioner has filed the instant petition. That instant petition be accepted as prayed for.

4. Comments were sought from the respondents who submitted his report which is placed on file.

5. Arguments heard, record perused.

6. As per Special Rules of Evidence provided in Chapter XIII contained in Section 118 to 122 of the Negotiable Instrument Act, 1881, there is presumption of law that dishonoured cheque was issued against a valid consideration and holder i.e. the petitioner is holder in due course.

7. From the contents of application submitted to the SHO concerned, cognizable offence seems to have been made out against the proposed accused. The petition u/s 22-A Cr.P.C is supported by an affidavit. This Court in the capacity of Ex-Officio Justice of the Peace cannot enter into detailed inquiry regarding the truth or falsehood of the contents of petition. Hence, petitioner is directed to approach the respondent No.1 who shall record the statement of petitioner under Section 154 Cr.P.C and thereafter proceed in accordance with law. A copy of this order be sent to the SHO concerned for compliance and file be consigned to record room after completion.

Announced
02.06.2025

(Nasrumminallah Baloch)
Ex-Officio Justice of the Peace/
ASJ, Islamabad (West)

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