

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.
Constt: Petition No.D- 412 of 2014

DATE	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1.For katcha peshi.
2.For hg of CMA 1279-14.

13.03.2017

Petitioner and his counsel both are called absent.

Mr. Agha Athar Pathan, Asstt. A.G.

Learned AAG states that respondent No.1 has already filed statement in writing, wherein he has stated that after usual investigation I.O. has already submitted challan in the competent court of law. In case of **Director General, Anti-Corruption Establishment, Lahore and others Vs. Muhammad Akram Khan and others** reported as PLD 2013 SC 401, the Hon'ble Supreme Court of Pakistan has been pleased to hold as under:

“After hearing the learned Additional Advocate-General, Punjab appearing for the appellants and the learned counsel for respondent No.1 and having gone through the record of the case with their assistance we have found that through the impugned order the learned Judge-in-Chamber of the Lahore High Court, Lahore had partially quashed the relevant F.I.R. to the extent of respondent No.1 whereas partial quashing of an F.I.R. to the extent of some of the accused persons mentioned therein is a legal impossibility. Apart from that the impugned order had been passed by the learned Judge-in-Chamber of the Lahore High Court, Lahore at a time when a Challan in the relevant criminal case had already been submitted before the learned trial court and the learned Trial court had already taken cognizance of the case. The law is quite settled by now that after taking of cognizance of a case by a trial court the F.I.R. registered in that case cannot be quashed and the fate of the case and of the accused persons challaned therein is to be determined by the trial court itself. It goes without saying that if after taking of cognizance of a case by the trial court an accused person deems himself to be innocent and falsely implicated and he wishes to avoid the rigours of a trial then the law has provided him a remedy under sections 249-A/265-K, Cr.P.C. to seek his premature acquittal if the charge against him is groundless or there is no probability of his conviction.”

In view of the above, instant petition is dismissed in limine alongwith pending application. However, the petitioner would be at liberty to approach the learned trial Court for redressal of his grievances.

JUDGE

JUDGE

Ahmad