

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

C.P No. D-3302 of 2025

Date	Order with signature of Judge
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1. For orders on office objection.
2. For hearing of Main Case.

28.07.2025

Petitioner Mst. Rukhsana Suleman, is present in person.

ORDER

TASNEEM SULTANA, I. The petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (hereinafter referred to as the 'Constitution'), seeking an appropriate writ for the quashment of FIR No.200 of 2021 dated 22.02.2021 registered at P.S Gulshan-e-Iqbal, Karachi under Section 324, 337-F(ii), 337-F(iv), 337-D, 109, 34 PPC against the petitioner along with other co-accused.

2. The relevant facts of the case are that the complainant Syed Noorul Hassan lodged aforementioned FIR stating therein that on 21.02.2021 he was available at his showroom along with Owais and Nisar, where at about 2030 hours his nephew and brother-in-law namely Tariq and Najmul Haq came, who were visiting his showroom since four days. One of them fired at complainant whom he can identify and then they ran away on a motorcycle by crossing the road. Complainant further alleged that his sister Rukhsana, her husband Najmul Haq, nephew Tariq and one other identifiable person are involved in aforementioned incident.

3. The petitioner in person states that the respondent No.2 is her real brother and a civil litigation on an inherited property is pending adjudication in the Court of District Judge, Karachi (East); that her brother lodged false FIR against the petitioner; that interim report under Section 173 Cr.P.C has been submitted; that she had filed an

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application under Section 265-K Cr.P.C, but despite of fixation of her application, the trial Court is not hearing the said application.

4. Heard. Record perused.

5. The subject FIR was registered against the petitioner on 22.02.2021. The petitioner has already availed the remedy of pre-arrest bail and she has also filed an application under Section 265-K Cr.P.C before the trial Court. Apparently, the grievance of petitioner is that the trial Court is not deciding her pending application under Section 265-K Cr.P.C, so she is seeking redressal of her grievance in terms of quashment of the FIR.

6. It is settled principle that jurisdiction in terms of Article 199 of the Constitution or under Section 561-A Cr.P.C for quashment of FIR can only be in exceptional cases. The exercise of extraordinary discretion is permissible in the cases where on the basis of facts admitted and patent on record, no offence can be made out; and then it would amount to abuse of process of law to allow the prosecution to continue with the trial. Reliance is placed upon the case of State through Advocate General, NWFP Peshawar and others Vs. Gulzar Muhammad and others 1998 SCMR 873 and Miraj Khan Vs. Gul Ahmed and 3 others 2000 SCMR 122.

7. In addition, the petitioner retains more than one alternate remedies including an application under Section 249-A / 265-K Cr.P.C at any stage of proceedings.

8. Admittedly, the petitioner had already filed an application under Section 265-K Cr.P.C before trial Court.

9. In an identical situation, the Honourable Apex Court in case of Ajmeel Khan Vs. Abdul Rahim and others PLD 2009 SC 102 has observed that;

"6. Needless to emphasise, that functions of the judiciary and the police are complementary not overlapping and the

*Jameel*



combination of individual liberty with a due observance of law and order is only to be obtained by leaving each to exercise its own function. If a criminal liability is spelt out from facts and circumstances of a particular case, accused can be tried upon a criminal charge. Quashment of F.I.R. during investigation tantamounts to throttling the investigation which is not permissible in law. However, F.I.R. can be quashed by High Court in its writ jurisdiction when its registration appears to be misuse of process of law or without any legal justification. The police are under a statutory duty under section 154 of the Code of Criminal Procedure and have a statutory right under section 156 of the Code of Criminal Procedure to investigate a cognizable offence whenever a report is made to it disclosing the commission of a cognizable offence. To quash the police investigation on the ground that the case is false would be to act on treacherous grounds and would tantamount to an uncalled for interference by the Court with the duties of the police." ●

10. In another case of Director General, Anti-Corruption Establishment, Lahore and others Vs. Muhammad Akram Khan and others PLD 2013 SC 401 the Honourable Apex Court has observed that;

".....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."

11. In view of above, there exists no exceptional ground warranting quashment of the subject FIR. Consequently, instant writ petition fails and is accordingly dismissed in *limine*. So far the grievance of petitioner to the extent of disposal of her application under Section 265-K Cr.P.C, is concerned, this Court called progress report from the trial Court but same could not reach till this date. This Court expects

*Sharon*

that the trial Court shall hear and decide the application under Section 265-K Cr.P.C, within thirty (30) days. The Compliance report shall be transmitted through MIT-II of this Court.

*J. Incem*  
JUDGE

*J. Incem*  
JUDGE

Zulfikar