

ORDER SHEET  
IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, MIRPURKHAS  
C.P. No.D-558 of 2026

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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For order on MA No.2600/2026.

19.08.2026

Mr. Muhammad Farooque Khokhar advocate for  
petitioner.

Urgency granted.

Through the instant constitutional petition, the petitioner has sought quashment of FIR No.41/2025, registered at Police Station Mirpur Old, District Mirpurkhas, for offences under Section 496-A PPC read with Section 3 (ii) of the TIP Act, 2018, on the grounds that the same is illegal, unlawful, without lawful authority and an abuse of the process of law.

Learned counsel for the petitioner submits that the complainant of the subject FIR, namely Mst. Asma, has no objection to the quashment of the said FIR and has furnished an affidavit to that effect, duly verified through NADRA. He contends that, in view of the categorical no-objection of the complainant, continuation of the criminal proceedings against the petitioner would serve no useful purpose. He further submits that the petitioner's CNIC has also been blocked by NADRA pursuant to the directions of the learned Civil/Family Judge & Judicial Magistrate-II, Mirpurkhas, and, therefore, seeks quashment of the FIR as well as de-blocking of the petitioner's CNIC.

Learned counsel for the petitioner was confronted with the fact that the challan in the subject case has already been submitted before the learned trial Court. In response, he fairly concedes that, in view of submission of the challan, the appropriate course available to the petitioner is to approach the

learned trial Court for seeking appropriate relief, including premature acquittal, in accordance with law. He, however, submits that non-bailable warrants have been issued against the petitioner and his CNIC has been blocked, owing to which he apprehends arrest and seeks interim protection to enable him to approach the learned trial Court.

We have heard learned counsel for the petitioner and have carefully examined the material available on record. It is an admitted position that the investigation has culminated in submission of the challan before the learned trial Court. Once the challan has been submitted, the matter has entered the domain of the learned trial Court, which is competent to examine the allegations, the evidence collected during investigation and the legal effect, if any, of the complainant's no-objection affidavit. The question of premature acquittal, therefore, is essentially to be determined by the learned trial Court in accordance with the applicable provisions of law.

The no-objection affidavit furnished by the complainant may undoubtedly be placed before the learned trial Court for consideration; however, such an affidavit, by itself, does not automatically confer a right upon the petitioner to have the FIR or subsequent criminal proceedings quashed by this Court, particularly when the challan has already been submitted. The legal effect and evidentiary value of the said affidavit, as well as the nature of the alleged offence and its consequences in law, are matters which may appropriately be examined by the competent trial Court.

In the circumstances, without expressing any opinion on the merits of the case or the petitioner's entitlement to premature acquittal, the petitioner is at liberty to appear before and approach the learned trial Court by filing an appropriate application, including an application for premature acquittal, within a period of thirty (30) days from the date of this order. The learned trial Court shall consider and decide such application strictly in accordance with law, after hearing all

concerned, without being influenced by any observation made herein.

As regards the apprehension of arrest, in order to enable the petitioner to avail the remedy before the learned trial Court, the NBWs issued against the petitioner shall remain suspended for a period of thirty (30) days from the date of this order, subject to the petitioner approaching the learned trial Court within the said period. In case the petitioner fails to approach the learned trial Court within the stipulated period, the protection granted herein shall stand recalled automatically, and the learned trial Court shall be at liberty to proceed against the petitioner in accordance with law. Further, on approach of the petitioner, the learned trial Court shall decide the application of the petitioner within fifteen (15) days.

The question regarding de-blocking of the petitioner's CNIC is likewise left to be agitated before the competent forum, in accordance with law. Nothing contained in this order shall be construed as an expression of opinion on the merits of the criminal case, the validity of the FIR, or the petitioner's ultimate entitlement to acquittal.

The instant constitutional petition is **disposed of** in the above terms.

JUDGE

JUDGE

**\*Abdullah Channa/PS\***