

ORDER SHEET
IN THE HIGH COURT OF SINDHI, KARACHI
Criminal Misc. Application No.387 of 2024
(Muhammad Noman Khan and another v. The State and others)

DATE: ORDER WITH SIGNATURE OF THE JUDGE

1. For order on office objection at A
2. For hearing of main case

24.05.2024

Mr. Nafees Khattak, advocate for the applicants

1. Deferred.
2. It is contended by learned counsel for the applicants that the learned trial Court instead of recording the acquittal of the applicants has kept the case against them in abeyance thereby the property owned by them has been withheld pending disposal of the case. By contending so, he sought quashment of FIR Crime No.13/2018 under Section 4,5,23 of FER Act, 1947 r/w 109 PPC of PS FIA, (Anticorruption) Circle, Karachi, wherein the applicants have been charge-sheeted.

Heard arguments and perused record.

No FIR could legally be quashed after its cognizance by the learned trial Court under any circumstances.

In the case of *Director General Anti-Corruption Establishment Lahore and others vs. Muhammad Akram Khan and others* (PLD 2013 SC 401), it has been held by the Apex Court that;

“Quashing of F.I.R after Trial Court had taken cognizance of the offence---Legality---When Trial Court had taken cognizance of a case, F.I.R could not be quashed and the fate of the case and of the accused persons challaned therein was to be determined by the Trial Court itself---Accused persons in such

circumstances, could avail the remedy under Ss.249-A & 265-K, Cr.P.C, to seek his premature acquittal, if the charge was found to be groundless or there was no possibility of his conviction."

Consequent to the above discussion, the instant Crl. Misc. Application being misconceived is dismissed in *limine* directing the applicants to challenge the property order in accordance with law, if it is passed.

JUDGE

*Nadir**