

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
C.P.No.D-877 of 2017.

Order with signature of Judge(s)

1. For orders on office objection.
2. For orders on CMA No. 4622 of 2017.
3. For hearing of main case.

25.5.2017

Mr. M. Athar Ismail, Advocate for petitioner.  
Mr. Khalid Jawed Khan, Advocate for respondent No.3  
alongwith Ms. Zahrah Sehr Vayani.  
Mr. Ali Haider Saleem, APC.

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Case of the petitioner is that concerned police was not competent to lodge FIR No. 25/17 registered at P.S. Aram Bagh, hence same is liable for quashment. Record reveals that after investigation summery report under Section 173 Cr.P.C. was placed before the concerned Magistrate and same is pending for decision. On last hearing we stayed the proceedings of that FIR on the plea that counsel for respective parties shall address this court whether such FIR was lodged competently in non-cognizable offences. However, we dispose of this petition with direction to Magistrate that he will decide summery report while keeping in view that whether offence is cognizable or non-cognizable and whether police was competent to directly lodge FIR or there is a procedure to file direct complaint and further he will examine the ingredients of offence, if jurisdiction lie with him and pass order independently. Needless to mention that opportunity of hearing shall be provided to the respective parties.

Instant petition sands disposed of.

JUDGE

JUDGE