

THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Muhammad Jaffer Raza

C.P. No. D – 3418 of 2025

[M/s. Muhammad Ammar Khan versus Commissioner IR & others]

Petitioner : M/s. Muhammad Ammar Khan
through Mr. Muhammad Akram
Sawleh, Advocate.

Date of hearing : 06-10-2025

Date of decision : 06-10-2025

ORDER

Adnan Iqbal Chaudhry J. – The petition is for quashing FIR No. 01/2023 which was lodged on 22-02-2023 against thirty-one accused persons for the offence of tax fraud as defined in section 2(37) of the Sales Tax Act, 1990. Numerous others, including the Petitioner, were further implicated for said offence in the final challan dated 08-07-2024 submitted before the Special Judge (Customs, Taxation and Anti-Smuggling) Karachi.

Counsel submits that the FIR is liable to be quashed in view of the case of *Directorate of Intelligence & Investigation-FBR v. Taj International (Pvt.) Ltd.* (2025 SCP 235), decided on 04.12.2024, where the Honorable Supreme Court of Pakistan interpreted erstwhile provisions of the Sales Tax Act to hold that an FIR cannot be lodged for the offence of tax fraud until tax liability of the offender is adjudicated by the department. Per learned counsel, said pronouncement would operate retrospectively to hit FIRs lodged prior thereto. However, without prejudice to that submission, learned counsel is queried whether same ground has been taken by the Petitioner before the trial court under the alternative remedy available in section 265-K Cr.P.C. He concedes that it has not. In such circumstances, we dismiss the petition with the observation that the Petitioner may avail the alternate remedy available before the trial court under section 265-K Cr.P.C.

JUDGE

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