

*ORDER SHEET*  
**IN THE HIGH COURT OF SINDH, CIRCUIT**  
**COURT, HYDERABAD.**  
C.P.No.D-2915 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

1. For orders on office objections
2. For hearing of MA-12537/18
3. For hearing of MA-8001/19
4. For hearing of main case.

20.08.2019.

Mr. Tahir Nisar Rajput, advocate for petitioner.  
Mr. Ashok Kumar, advocate along with respondent No.5  
Mr. Shahzad Saleem Nahiyoan, D.P.G  
Mr. Muhammad Ismail Bhutto, Additional Advocate  
General Sindh.  
=

The petitioner by way of instant constitution petition has sought for quashment of FIR crime No.224/2018 U/S 489-F, 420, 34 PPC of PS Qasimabad which according to him has been lodged against him and his family members by the private respondent malafidely and without lawful justification.

As per FIR, which is sought to be quashed by the petitioner, the petitioner engaged the private respondent, who is said to be a practicing advocate for ejectment of his tenant from his shop and his professional fee was settled at rupees fifty lac. Consequent upon ejectment of the tenant of the petitioner from his shop, the petitioner it is said paid the private respondent his professional fees in shape of two cheques one to be of rupees twenty five lac and other to be of twenty four lac, those cheques were bounced. Consequently, the private respondent after having a recourse under Section 22-A & B Cr.P.C before the justice of peace lodged two separate FIRs against the petitioner and others. One being FIR crime

No.18 of 2018 U/S 420, 489-F, 506, 427, 34 PPC with PS Cant and other being FIR crime No.224/2018 U/S 489-F, 420, 34 PPC with PS Qasimabad. The petitioner it is said has already been acquitted by learned 6<sup>th</sup> Civil Judge & Judicial Magistrate, Hyderabad in case outcome of FIR crime No.18 of 2018 U/S 420, 489-F, 506, 427, 34 PPC of PS Cant, while FIR crime No.224/2018 U/S 489-F, 420, 34 PPC of PS Qasimabad, the petitioner has sought to be quashed by this court by way of instant constitutional petition.

The private respondent by way of statement has opposed to quashment of FIR by stating therein that the cheque was issued in his favour by the petitioner fraudulently.

It is contended by learned counsel for the petitioner that the civil suit with regard to the issuance of very cheque is pending adjudication before the civil court having jurisdiction, the status quo was operating therein; the private respondent has involved the petitioner in criminal cases one after other malafidely under the pretext that he has been deprived of his professional fees which was too high to be paid in a rent case. By contending so, he sought for quashment of the FIR crime No.224/2018 U/S 489-F, 420, 34 PPC of PS Qasimabad as same according to him has been lodged against the petitioner malafidely only to blackmail him and his family members.

Learned D.P.G for the State and A.A.G have recorded no objection to quashment of the FIR while learned counsel for the private respondent has opposed to quashment of the FIR by contending that the cheque was issued by the petitioner in favour of the private respondent dishonestly only to deprive him of his

professional fees, which constitute a criminal case. By contending so, he sought for dismissal of instant constitutional petition.

We have considered the above arguments and perused the record.

The cheque which allegedly was issued by the petitioner in favour of the private respondent to meet with his professional fees, it obviously was too high in a rent case. Be that as it may, the FIR which is sought to be quashed is second in its series, in first one the petitioner had already been acquitted by the court having jurisdiction. The civil litigation between the parties with regard to the very cheque and recovery of the amount under cheque is pending adjudication before the civil courts having jurisdiction. In these circumstances, it could be concluded safely that the FIR crime No.224/2018 U/S 489-F, 420, 34 PPC of PS Qasimabad has been lodged by the private respondent against the petitioner malafidely and it needs to be quashed and it is quashed accordingly.

Instant constitutional petition is disposed of accordingly along with the pending applications.

JUDGE

JUDGE