

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
CP No. D-338 of 2021

---

Date \_\_\_\_\_ Order with Signature of Hon'ble Judge \_\_\_\_\_

---

1. For orders on office objection-A.
2. For hearing of main case.

03.08.2021

Mr Khadim Hussain Khoso, Advocate for the petitioner.  
Mr. Liaquat Ali Shar, Learned Additional Advocate General.  
Mr. Aitbar Ali Bullo, Deputy Prosecutor General Sindh.

----

Through instant constitutional petition, the petitioners Shahbaz Ali and Riaz Hussain both son of Shah Murad Seelro seek quashment of F.I.R bearing Crime No.35/2021 registered at police station Mahi Makol, for offences under sections 506/2, 337-F(i), 504, 34 PPC.

It is an admitted position that the police after investigation has submitted report under section 173 Cr.PC where upon the trial court has taken the cognizance. It has been held in the case of Director General, Anti Corruption Establishment, Lahore and other v. Muhammad Akram Khan and others (PLD 2013 Supreme Court 401) as under:-

“ The law is quite settled by now that after taking of cognizance of a case by a trial court the F.I.R. registered in that case cannot be quashed and the fate of the case and of the accused persons challaned therein is to be determined by the trial court itself. It goes without saying that if after taking of cognizance of a case by the trial court an accused person deems himself to be innocent and falsely implicated and he wishes to avoid the rigours of a trial then the law has provided him a remedy under sections 249-A/265-K, Cr.P.C. to seek his premature acquittal if the charge against him is groundless or there is no probability of his conviction.”

The, instant petition therefore, being not maintainable is dismissed, leaving the petitioner at liberty to approach the concerned court for seeking his premature acquittal by moving an application under section 249-A Cr.PC or 265-K Cr.PC as the case may be, which will be decided by the trial court in accordance with law.

**JUDGE**

**JUDGE**