

Order Sheet**IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR****C. P No. D – 378 of 2021**

Date

Order with Signature of Hon'ble Judge

Hearing of case (Priority)

1. For orders on office objection at flag 'A'
2. For hearing of CMA No.1727/2021 (S/A)
3. For hearing of main case

27.07.2021

Mr. Allah Bux Gabol, Advocate for the petitioners
Mr. Mehboob Ali Wassan, AAG Sindh a/w ASI Muhammad Sukhial,
Investigating Officer Crime No.21/2021 of Police Station Sarhad

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In view of the order dated 13.07.2021 of this Court, counsel for the petitioners admits that the case arising out of FIR No.21/2021 of Police Station Sarhad, District Ghotki under Sections 427, 506/2, 147, 148 and 149 PPC has been challaned before the Court of learned Civil Judge and Judicial Magistrate (Family Court) Ghotki, in which the present petitioners are nominated as accused along with others and the FIR seems to be false and concocted one, therefore, prays for its quashment.

We have heard the learned counsel for the petitioners and learned AAG Sindh and have gone through the file. Since the challan of the case has been filed by the police which is now pending trial in the Court of Civil Judge and Judicial Magistrate (Family Court) Ghotki for its trial, hence the petitioners have an alternate remedy to press their prayer before the trial Court. As far as instant Constitutional Petition is concerned, the same in view of above legal position as well as in view of dicta laid down by the Honourable Supreme Court in case of Director General, Anti-Corruption Establishment, Lahore and others vs. Muhammad Akram Khan and others (PLD 2013 SC 401), the instant petition is not maintainable. Consequently, it is hereby dismissed along with listed application.

Judge

Judge