

ORDER SHEET
THE HIGH COURT OF SINDH KARACHI

Spl. Cr. Misc. Application No. 652 of 2022

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| DATE | ORDER WITH SIGNATURE OF JUDGE |
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Fresh Case.

1. For orders on Office Objection a/w Reply at Flag 'A'.
2. For orders on M.A. No.12978 of 2022.
3. For hearing of Main Case.
4. For orders on M.A. No.12979 of 2022.

07-11-2022

Khawaja Shams-ul-Islam, Advocate for the Appellants.

This is an application under section 561-A Cr.P.C. seeking quashment of FIR No. 04/2022 lodged by the Appraising Officer, Directorate of Post Clearance Audit. The office objection is that the Applicant has not availed the remedy available before the trial Court under section 265-K Cr.P.C. as required in *Muhammad Farooq versus Ahmed Nawaz Jagirani* (PLD 2016 SC 55). There, the Supreme Court reiterated that where two Courts have coextensive or concurrent jurisdiction, then in ordinary circumstances the rule of propriety demanded that the jurisdiction of the lower Court be invoked first; and that the inherent jurisdiction of the High Court should not be exercised as a routine but only in extraordinary circumstances. In response, learned counsel submits that SRO 500(I)/2009 dated 13-06-2009 does not empower the officers of the Directorate of Post Clearance (Audit) to lodge an FIR. However, when confronted with the fact that such a ground can also be taken before the trial Court under section 265-K Cr.P.C., learned counsel concedes while praying for an order that the quashment application may be decided by the trial Court before deciding the bail application of the Applicant also pending before the same Court.

For the foregoing reasons, this application is dismissed but with the observation that in the event the Applicant moves the trial Court for quashment, such application may also be decided along-side the bail application.

JUDGE