

**IN THE HIGH COURT OF SINDH AT KARACHI****Criminal Misc. Application No. 241 of 2018**

Applicants : 1. Air Vice Marshal ® Muhammad Safdar Khan;  
2. Air Marshal ® Rashid Kalim Rizvi  
through Mr. Rehan Kiyani, Advocate

Respondent No.1 : The State  
through Ms. Seema Zaidi, DPG

Respondent No.2 : Ehsan Khalid Sehbai (Not represented)

Date of hearing : 6<sup>th</sup> November, 2018

Date of order : November, 2018

**ORDER**

**Omar Sial, J:** The applicants have sought quashment of F.I.R. bearing number 19 of 2017 registered under sections 420, 406, 423, 468, 471 and 34 P.P.C at the Airport police station.

2. At the very outset and without going into the facts of the case, the learned counsel was asked whether the challan in the case had been filed to which he replied that it had been. The police had recommended disposal of the F.I.R in "C" class but the learned magistrate did not agree with the police recommendation and took cognizance vide his order dated 19-4-2017.

3. I have heard the learned counsel for the applicants as well as the learned DPG. My observations are as follows.

4. In the case of **Director General Anti-Corruption Establishment, Lahore & others vs Muhammad Akram Khan and others (PLD 2013 SC 401)** the Hon'ble Supreme Court has held that:

"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.”

5. The learned counsel was asked how the above ruling of the Hon’ble Supreme Court would not be applicable in the present case. The learned counsel was unable to give a satisfactory reply.

6. In view of the above, the application in hand is dismissed. Needless to say the applicants may approach the learned trial court to seek redress of their grievance, if so advised.

JUDGE