

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**
C.P No.D-2760 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE(s)
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For orders on office objection.
For katcha peshi.
For hearing of M.A No.10848/17.

12-10-2017.

Mr. Sajjad Ali Rind, Advocate for petitioner.
Mr. Sajjad Soomro advocate holding brief o/b of Mr. Irfan Qureshi advocate
for respondent No.6 to 10.
Mr. Ismail Bhutto, Additional A.G alongwith Muhammad Khan Zaur SHO
PS Bulri Shah Karim.

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This petition has been filed for quashment of proceeding emanating from F.I.R bearing crime No.71 of 2017 registered at PS Bulri Shah Karim district Tando Muhammad Khan by respondent No.8 against the petitioners who are his brothers. It has been informed that there is a dispute over the property between the parties and both the parties have lodged the F.I.Rs against each other.

SHO Muhammad Khan Zaur PS Bulri Shah Karim, who is present, states that challan in both the F.I.Rs after thorough investigation has been submitted in the court concerned and presently the accused are facing the trial. We are of the view that when the challan has been submitted before the trial court and it has taken cognizance of the offence, the proceedings would not be quashed. For such a view reliance can be placed on the case of Muhammad Saleem Bhatti v/s Syed Safdar Ali Rizvi & others (2006 SCMR 1957); and Director General Anti-corruption Establishment, Lahore & others v/s Muhammad Akram Khan & others (PLD 2013 Supreme Court 401). The petitioners instead of availing the remedy before the trial Court either u/s 249-A Cr.P.C or u/s 265-K Cr.P.C have preferred this petition and have raised factual controversy which cannot be decided in the constitutional jurisdiction.

At this juncture, learned counsel for petitioner has intervened and states that he may be put at liberty to avail the proper remedy for redressal of their grievances. In view of above, this petition is disposed of, the petitioner may avail the remedy provided in law before the trial Court.

JUDGE

JUDGE

Fahad Memon