

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI.**  
C.P.No.D-6677 of 2017  
C.P.No.D-5963 of 2017

Date	Order with signature of Judge
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1. For Hearing of Misc. No.27716/2017
2. For hearing of Main case

**20.03.2018.**

Mr. Mansoob Qureshi, advocate for petitioners  
Mr. Muhammad Khan Burrior, Add. AG  
Ms. Rahat Ahsan, Addl: P.G.  
PI Sarfraz Ahmed, CTD  
PDSP Mehdi Hussain CTD.

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Petitioners, who are jail officials and posted in Central Prison, Karachi, have filed these petitions on multiple prayers in respect of their grievance against registration of two (02) FIRs. One bearing Crime No.145/2017, under Section 119, 130, 201 & 222 PPC R/w Section 7 of ATA, 1997, at Police Station CTD, Sindh Karachi, and the other bearing Crime No.149/2017, under Section 223, 224, 225, 225-A PPC R/w Section 7 of ATA, 1997, at Police Station, New Town, Karachi registered against the petitioners and others on the allegations that include escape of two Under Trial Prisoners ('UTPs), who were confined in the Central Prison, Karachi from their custody. The petitioners are not only seeking quashment of the above said FIRs but also suspension of ensuing investigation, and / or transfer of investigation to any other relevant agency from the Counter Terrorism Department ('CDT'). However, during course of arguments, we have been informed that in both the above said FIRs, the final report (the challan) under Section 173 Cr. P.C. has been submitted before the ATC Courts concerned at Karachi and the trial has commenced. In view of such matter coupled with the fact that petitioners have an adequate remedy under Section 249-A and 265-K against their grievance, the above said FIRs cannot be quashed. For such a view reliance can be placed on the case law reported in **2006 SCMR 1957, 2011 SCMR 1813 and PLD 2013 SC 401**. Insofar as the prayer relating to transfer or suspension of investigation in these two (02) FIRs is concerned, the same has become infructuous because not only investigation has been completed and the challan has been submitted but the trial Court after taking cognizance has started the trial. This being the position, we are of the view that the petitions in hands have become devoid of any merits and are accordingly dismissed. However, the petitioners are at liberty to move the trial Court, if so advised, for any remedy in accordance with law.

The petitions are disposed of in the above terms along with pending application(s).

**JUDGE**

**JUDGE**

**Rafiq/P.A.**