

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

Present:-

**Mr. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Agha Faisal.**

C.P. No.D-1886 of 2022

Muhammad Haleem

Versus

I.G Sindh Police & others

**For date of hearing
& order**

: 14.04.2022

Mr. Ghulam Murtaza Watoo, advocate for petitioner

Mr. Ali Haider Salim, Addl: P.G. Sindh a/w IO Muhammad Nasir Khan

ORDER

Muhammad Iqbal Kalhoro, J:- Petitioner, accused in FIR No.82/2022, u/s 337-A(i), 343, 363, 365, 34 PPC, registered at Police Station Quaidabad, Karachi has filed this petition seeking quashing of said FIR on the grounds that he has falsely been implicated in this case; has nothing to do with the alleged incident, is grandfather of the minor, the abductee; her mother, the complainant, handed over her custody to him with her own free-will and choice under an agreement. He has already filed a guardianship application before Family Court Islamabad; and there is a delay of 3/4 months of registration of FIR.

2. Learned counsel for the petitioner has reiterated aforesaid facts and grounds in his arguments.

3. On the other hand, learned Addl: PG and IO of the case have submitted that interim challan has been submitted in the trial and which has taken cognizance of the offence therefore, petitioner may approach the same court for the relief.

4. We have considered pleas of the parties. In FIR complainant has not only alleged abduction of her daughter by the petitioner and other accused but her own abduction along with her brother, namely, Azeem. And has further alleged before letting her and her brother go and taking her daughter

away they on force obtained her signature on some papers. During arguments, learned counsel for the petitioner informed us that custody of the minor was handed over to petitioner in October, 2021 willingly by the complainant. However, when we asked him as to how, then, guardianship application seeking custody of the minor is still pending in the court, he could not reply it. In any case, it is settled law that after submission of the challan the case cannot be quashed in exercise of constitutional jurisdiction as remedy in the shape of section 249-A & 265-K CrPC as the case may be, is available to the accused. Reliance can be made case law reported in **2006 SCMR 1957, 2011 SCMR 1813 and PLD 2013 SC 401.**

5. In view of above, this constitutional petition is dismissed along with pending application. However, petitioner is at liberty to avail remedy in accordance with law.

JUDGE

JUDGE

Rafiq/P.A.