

Judgment Sheet
PESHAWAR HIGH COURT, PESHAWAR
 (Judicial Department)

Writ Petition No.7655-P/2025

Rana Shabbir Hussain.....Petitioner.

Versus

Inspector General of Police and others.....
..... Respondents.

Present:

Mr. Arshad Ali Nowshervi, Advocate,
for the petitioner.

Mr. Muhammad Atif Nazir, DAG, for
the Federation.

Mr. Noman-ul-Haq Kakakhel, AAG,
for the Provincial Govt.

Barrister Amir Khan Chamkani, for
respondent No.9.

Date of hearing: 13.11.2025

JUDGMENT

MUHAMMAD IJAZ KHAN, J.- Through this writ
petition, petitioner has prayed as under:-

*“It is, therefore, humbly
prayed that on acceptance of this
Writ Petition, the instant FIR
detailed above may kindly be
quashed.”*

2. Precisely, the facts leading to the filing of
this petition are that on 27.07.2025, petitioner’s real

son, namely Rana Hamza Shabbir, was illegally and forcibly taken into custody by the police authorities of Gujranwala Region, Punjab, without any lawful justification and till date, no reason for his arrest has been disclosed to the petitioner. It is also pleaded in the petition that in order to justify this illegal detention and transportation of the petitioner's son from District Gujranwala to District Peshawar, he was falsely implicated in a criminal case. Being aggrieved of the same, the petitioner had filed Writ Petition No. 46138-P/2025 before the Hon'ble Lahore High Court, where comments of the concerned SHO were sought, in which it was disclosed that the petitioner's son was shifted from District Gujranwala to Peshawar at the behest of respondent No. 5. It is also pleaded that in order to justify the unlawful act, respondent No. 4 lodged the impugned FIR in District Peshawar, despite the fact that all alleged acts occurred within the territorial jurisdiction of District Gujranwala (Punjab), which clearly reflects *malafide* intent and lack of jurisdiction. Despite the registration of the impugned FIR and the continued unlawful detention of the petitioner's son, he has never been produced before any court of law. Consequently, the petitioner filed a separate habeas corpus petition before this Court,

which is pending adjudication. Being aggrieved of the inaction of the respondents, the petitioner has approached to this Court by filing the instant petition.

3. Arguments heard and record perused.

4. The main objection raised by the learned counsel representing the petitioner was that since the cheque was issued by the petitioner's son, namely Rana Hamza Shabbir, in District Gujranwala, province of Punjab and as both the petitioner-party and respondent No.5, in whose favour the said cheque was issued, are also the permanent resident of Gujranwala, therefore, the registration of the instant FIR in District Peshawar is illegal and thus the same is liable to be quashed, however, such submission of the petitioner's counsel is not legally correct, as the law of the land and the jurisprudence so far developed on the subject are not in line with the said submission of the learned counsel for the petitioner.

5. Keeping in view the aforesaid sole ground for the quashment of the instant FIR, it would be relevant to reproduce section 179 of the Cr.PC:-

179. Accused triable in district where act is done or where consequence ensues.
When a person is accused of the commission of any offence by reason of anything which had been done, and of any consequence which has ensued, such

offence may be inquired into or tried by a Court within the limits of its jurisdiction any such thing has been done, or any such consequence has ensued.

The plain reading of the aforesaid provision of law would show that when any person commits an offence or does some act and due to that act any consequence ensued then such offence could be inquired into and tried by the Court where the act was done or where consequence ensued and as such, if the aforesaid yardstick is applied to the case of petitioner, then it is clear that though the cheque was issued in District Gujranwala, however, the same was presented before Meezan Bank, Peshawar Cantt Branch at Peshawar and as such, as per the mandate of aforesaid reproduced law, the instant case could be registered and inquired in District Peshawar and the same could be tried by a Court at Peshawar.

6. It would also be relevant to mention here that the sole ground which was pressed by the petitioner for the quashment of the instant FIR and its outright denial by the private respondent in support of the registration of the FIR at Peshawar is a controversy which has already been set at rest by this Court as well as by the High Courts of other jurisdiction, where it has clearly been held that a

payee of cheque can initiate proceeding at either of the place i.e. where the cheque was handed over for encashment or where it was dishonoured. In the case¹, the Hon'ble Islamabad High Court has held that complainant could initiate criminal proceedings at any of the two places i.e. where the cheque was deposited for encashment or where it was dishonoured. Similarly, this Court in the case² has held that the complainant deposited cheque in question in Islamic Bank at Timergara Branch on 11.03.2016, where he has account, said cheque was dishonoured due to insufficient amount in the account. The case FIR No.564 was registered on the application of the complainant on which the Zilla Qazi/Justice of Peace District Dir Payeen at Timergara gave direction of registration of case. Bare reading of section 179, Cr.P.C. indicates that the cheque of HBL Square Branch, Mingora was presented at Islamic Bank Timergara and the same was dishonoured. The moment the cheque was dishonoured, the offence was completed at Mingora but, the complainant came to know about commission of offence i.e. dishonour of cheque at

¹ "TOTAL PARCO PAKISTAN LIMITED through Authorised Officer vs. JUSTICE OF PEACE/ADDITIONAL SESSIONS JUDGE (WEST), ISLAMABAD and 2 others" reported as **2021 Y L R 1436**

² "FAQIR KHAN vs. BAKHTAWAR JAN and 4 others" reported as **2019 P Cr. L J 1558**

Timergara from Islamic Bank at Timergara where he has his account in which he has deposited the cheque in dispute. The offence under section 489-F, P.P.C. was completed at Mingora where the cheque in question was dishonoured. However, the consequences of the offence in terms of section 179, Cr.P.C. were ensued at Timergara, therefore, the complainant/drawer/respondent No.3 rightly submitted complaint under section 22-A, Cr.P.C. before the learned District Judge/Justice of Peace Dir Payeen at Timergara and in pursuance of his order the impugned FIR was validly lodged at police station Timergara. There is no legal impediment or prohibition on the complainant/drawer in this regard. It is his option or choice, he can initiate criminal proceedings under section 489-F any of two places, hence, we are of the view that both the police stations Mingora and Timergara have got jurisdiction to lodge FIR. Likewise, in an unreported judgment of the Sindh High Court titled “Allah Warayo Vs the State”, it has been held that the drawee/ payee has the option or choice to initiate criminal proceedings at any of the two places, i.e. where the cheque was deposited for encashment or the place where it was dishonoured. In view of the above jurisprudence, the complainant of a

dishonoured cheque could initiate proceedings either at the place where the cheque was presented or where it was dishonoured.

7. Another aspect of the case is that since the instant petition has been filed by the petitioner being the father of the accused, and the Court was informed that the accused has not surrendered before the law in the instant FIR and has been declared as proclaimed offender; therefore, this writ is neither entertainable nor maintainable unless he surrenders before the law. It may be reiterated that any person who seeks the protection of law must surrender before the law. In the case³ Apex Court has held that accused-appellant escaping from jail pending his appeal before Supreme Court--Appellant being a fugitive from justice, held, had forfeited his right of audience. Likewise, in the case⁴ the Hon'ble Islamabad High Court has held that person who is fugitive from law and who does not surrender to process of justice is neither entitled to any relief nor can a power of attorney executed by him in favour of a counsel can be accepted, except under exceptional circumstances.

³ "NAZAR HUSSAIN vs. THE STATE" reported as 1985 SCMR 614

⁴ "INAM-UL-RAHIEM vs. CHAIRMAN, NATIONAL ACCOUNTABILITY BUREAU, ISLAMABAD and another" reported as P L D 2018 Islamabad 251

8. For what has been discussed above, we find that the petition in hand is bereft of any merit, therefore, the same is hereby **dismissed**.

Announced:
13.11.2025

CHIEF JUSTICE

JUDGE

(D.B) **Hon'ble Mr. Justice S.M Attique Shah, CJ &**
Hon'ble Mr. Justice Muhammad Ijaz Khan

(Shahid Nawaz, Steno)