

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD. **JUDICIAL DEPARTMENT.**

W.P. No. 112/2020.

Mst. Abida Qasim

Versus

The State, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	21.02.2020.	Syed Khurram Shahzad, Advocate for petitioner.

Through this writ petition, the petitioner has prayed for quashing of FIR No.01, dated 01.01.2020, U/S 489-F PPC, P.S. Lohi Bher, Islamabad.

2. Brief facts referred in the FIR lodged on the complaint of respondent No.2/Falak Naz are that petitioner has received certain amount from complainant/respondent No.2 which was not returned and a *Jirga* was convened in which petitioner issued two post dated cheques No.78971541 amounting to Rs.1,80,000/- and 78971542 amounting to Rs.22,00,000/- drawn at UBL Civic Centre, Bahria Town Phase-IV Branch as per affidavit executed between the parties but the cheques were dishonored on their presentation.

3. Learned counsel for the petitioner *inter-alia* contends that the status of undertaking is in question in another W.P No.4309/2019, which was dismissed by this Court vide order dated 27.12.2019 and as such a

civil suit is also pending for adjudication of the status of the said document in which it has been alleged that petitioner has accepted the liability but despite the said observation of this Court FIR has been lodged on the negotiable instrument.

4. Learned counsel for the petitioner has been confronted regarding maintainability of instant writ petition as the allegations referred in the FIR are based upon disputed facts and even a civil suit titled Mst. Abida Qasim Vs. Falak Naz, etc. is pending before the competent civil court, however, counsel for petitioner has failed to justify the minimum requirements for quashing of FIR on the basis of question raised above.

5. Keeping in view the position available on record it appears that disputed question of fact has been reflected from record which requires proper adjudication and such question could not be settled in terms of Section 561-A Cr.P.C. at this stage. The High Court can quash the criminal proceedings and the FIR in exceptional cases when no offence is made out from bare reading of FIR or the entire dispute revolves around a civil dispute as such the minimum requirement for exercise of jurisdiction U/S 561-A Cr.P.C. in reported cases 2014 P.Cr.L.J 1361 (Haji Zeri Gul Vs. Ahmad Jan Khan), 2014 MLD 795 Peshawar (Aftab Ahmed Vs. State), 2011 SCMR 1937 (Rana Shahid Ahmad Khan Vs. Tanveer Ahmed), no ground for

quashing of FIR at this stage is made out, therefore, the same is hereby **dismissed in limine.**

(MOHSIN AKHTAR KAVANI)
JUDGE

Zahid