

3. Conversely, learned counsel for respondent No.2 contends that respondent No.2 is an old lady and is residing in house, whereas the petitioner alongwith other attacked upon the said house while using excavator machine and damaged the main gate and wall in order to take over the possession despite the fact that status quo order was in field; that Bailiff of Civil Court in suit titled "*Qazi Rehan ul Wahid etc vs. Mst. Naseem Akhtar etc.*" has submitted report dated 28.08.2019 on the day of occurrence, whereby conduct of the petitioner and other co-accused has been highlighted, which fully corroborates the contents of the FIR.

4. I have heard the arguments and perused the record.

5. Perusal of the record reveals that respondent No.2 is complainant of case FIR No. 403, dated 29.08.2019, U/S 447/511, 506/354, 452, 148, 149 PPC, P.S Bhara Kahu, Islamabad, in which she has alleged that she has already approached Civil Court and status quo order is in field, when the petitioner alongwith his co-accused trespassed into the premises by force and he demolished gate and wall of the house with the help of excavator. Although contents of the FIR have been denied by the petitioner side but at this state when report of Bailiff dated 28.08.2019 in suit titled "*Qazi Rehan ul Wahid etc vs. Mst. Naseem Akhtar etc.*", which is pending adjudication with learned Civil Court is on record, which prima facie confirms allegations of respondent No.2, the disputed facts cannot be verified in terms of Article 199 of the Constitution read with powers U/s 561-A Cr.P.C at this stage rather the same can only be resolved by Civil Court after recording of evidence. It is trite law that only those FIRs can be quashed where no offence is made out from bare reading of the FIR. The I.O has taken stance that challan has been submitted before the Court and he has not supported version of the petitioner.

6. In view of above, the instant writ petition bears no merits, therefore, the same is hereby **dismissed**.

(MOHSIN AKHTAR KAYANI)
JUDGE