

Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD  
(JUDICIAL DEPARTMENT)

W.P. No. 2973/2015

Faheem Jamil Malik  
Versus  
Zhar Ahmed Khan Baloch, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	03-08-2021	Muhammad Waqas Malik, Advocate for petitioner. Mr. Muhammad Naseem Ahmed Shah, Advocate for respondents.

**ATHAR MINALLAH, CJ.-** The petitioner has invoked the Constitutional Jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 assailing order, dated 17.03.2015, whereby an application under Section 476 read with Section 195 of Criminal Procedure Code, 1898 (*"hereinafter referred to as the "Cr.P.C)"* has been entertained.

2. The learned counsel for the petitioner has stated that the proceedings have been initiated without any basis and by misconstruing the statement made by petitioner which was recorded in order, dated 12.02.2015, by the Deputy Registrar, Cooperative Housing Societies. The learned counsel has stressed that no offence is made out in order to justify the proceedings. The learned counsel has further stressed that the

proceedings wherein order, dated 12.02.2015, has been passed did not relate to a civil, revenue or criminal court.

3. The above grounds raised by the learned counsel for the petitioner can also be taken before the learned court which had passed the impugned order, dated 17.03.2015. The learned court, which has entertained the application under section 476 Cr.P.C is expected to proceed strictly in accordance with law, by taking into consideration the grounds that may be taken on behalf of the petitioner. The learned court is further expected to decide the question of maintainability of the application after affording an opportunity of hearing to the parties.

4. The petition is, therefore, accordingly **disposed of.**

Asif Mughal/\*

(CHIEF JUSTICE)