

Form No: HCJD/C-121

JUDGEMENT SHEET.

IN THE ISLAMABAD HIGH COURT,
ISLAMABAD.

Writ Petition No.2764/Q of 2015

Khalid Rasheed

Vs.

SHO, P.S. Lohi Bhir, Islamabad and 02 others.

Writ Petition No.3545/Q of 2015

Lt. Col (R) Muhammad Tariq Kamal

Versus

The State and another.

Criminal Misc. No.658-BC of 2015

Lt. Col (R) Khalil ur Rehman

Versus

Col Khalid Rasheed and 02 others.

**Petitioner's by : Ch. Naseer Ahmed Gujjar, Advocate
(in Writ Petition No.2764/Q of 2015).
Sheikh Afzar Amin, Advocate (in Writ
Petition No.3545/Q of 2015).
Dr. Babar Awan, Advocate (in Criminal
Misc. No.658/BC of 2015).**

**Respondent's by : Dr. Babar Awan, Advocate (in Writ
Petition No.2764/Q of 2015).
Malik Naeem Ahmed Awan, State
Counsel.
Muhammad Riasat, ASI.**

Date of decision : 11.06.2019

AAMER FAROOQ, J. - This judgment shall decide the instant
petition as well as Writ Petition No.3545 of 2015 and Criminal

Misc. No.658/BC of 2015, as common questions of law and facts are involved.

2. The facts, in brief, are that on the complaint of respondent No.2, an F.I.R. was lodged against the petitioner in the instant petition as well as against the petitioner in Writ Petition No.3545 of 2015. (F.I.R. No.210, dated 27.07.2015, under Section 384/388/506-II/109 P.P.C., Police Station Lohi Bher, Islamabad). Both the Petitioners instituted the instant petition as well as writ petition No.3545 of 2015 seeking quashing of the F.I.R. on the ground that Police Station Lohi Bher, Islamabad does not have the territorial jurisdiction in the matter. This Court while issuing notice to the respondents, vide order dated 08.09.2015, sought a report with respect to the area notified by the Government for different police stations. Consequently, the report was prepared by the Tehsildar, Rawalpindi, wherein it is pointed out that Bahria Town is situated in Mouza Kotha Kalan which does not fall within the territorial jurisdiction of Police Station Lohi Bher, Islamabad.

3. At the very outset, learned counsel for the complainant/ respondent No.2 contended that in light of the report filed by the police, the police station Lohi Bher does not have the territorial jurisdiction, hence the F.I.R. is liable to be quashed, however, learned counsel contended that it may kindly be observed that the same is without prejudice to the petitioner's right to move an appropriate complaint before the competent

police station. Learned counsels for the petitioners have no objection.

4. In view of the above facts and circumstances, since the occurrence took place at Bahria Town, which falls in Mouza Kotha Kalan, hence, Police Station Lohi Bher, in light of the report filed by the Tehsildar, Rawalpindi does not have territorial jurisdiction in the matter and in such like cases the F.I.R. in question is liable to be quashed. Reliance is placed on case reported as "*Maqsood Ahmad and others Vs. The State and others*" **(1998 MLD 2036)**.

5. For the above reasons, the instant petitions are allowed and F.I.R. No.210, dated 27.07.2015 lodged with Police Station Lohi Bher, Islamabad is quashed, however, the acceptance of the instant petition and quashing of the F.I.R. is without prejudice to the right of the petitioner to move an appropriate application for lodging of the F.I.R. with the concerned Police Station.

6. In criminal Misc. No.658/BC of 2015, the complainant of F.I.R. No.210 dated 27.07.2015, had sought cancellation of bail granted to Col. (R) Khalid Rasheed and Muhammad Shafiq-ur-Rehman. Since the F.I.R. has been quashed, the instant petition has become infructuous and is disposed of accordingly.

(AAMER FAROOQ)
JUDGE