

ORDER SHEET
ISLAMABAD HIGH COURT
ISLAMABAD
W.P.No.2441/2019

Farhana Qamar etc
VERSUS
Superintendant of Police Investigation (CIA), Islamabad etc

S.No. of order/ Proceeding	Date of hearing	Order with signature of Judge, and that of parties or counsel, where necessary.
	01.7.2019.	Mr.Harron ur Rashid, Advocate for the Petitoiner.

Through this writ petition, the Petitioner has prayed for quashing of cross version of the accused nominated in FIR No.140 dated 11.04.2019 under Sections 506(II), 427, 447, 511, 337H-II, 148, 149 PPC, Police Station Bharakahu, Islamabad.

2. Learned counsel for the Petitioners contends that Petitioners have lodged the above mentioned FIR with the allegation that on 09.4.2019 at about 6.00 p.m in the area of Mouza Phulgaran, Bharakahu, Islamabad, the accused persons armed with deadly weapons entered into the property of the petitioners after demolishing the gate of the property and resorted to aerial firing. It is further contended that after the registration of the FIR, the accused persons nominated in this case have filed their complaint against the petitioners and tried to establish their cross version, whereas the witness Raja Shuban in the said case was injured as a result of the firing and said witness has categorically stated that Mst.Farhana Qammar present petitioner and Ehteshan Asmat were neither armed with deadly weapons nor they made firing. It has further been argued that a Civil Suit titled Noshervan etc Vs Qamar Rashid etc is also pending in the Court of Mr.Muhammad Naseer ud Din, Civil Judge Ist Class, Islamabad and alleged incident took place during the proceedings of Local Commission. Lastly it has been contended that this entire back ground reveals that cross version referred by the accused has not been made out.

3. Arguments heard. Record perused.

4. Perusal of record reveals that petitioners are seeking quashing of cross version referred by the nominated accused in case FIR No.140 dated 11.04.2019 under Sections 506(II), 427, 447, 511, 337H-II, 148, 149 PPC, Police Station Bharakahu, Islamabad whereas the petitioner No.1 is the complainant of said case and she alleges interference by 10 armed persons with specific role of firing and breaking the gate affixed around the disputed land. The accused side has also lodged complaint against the petitioners and local police has started investigation against the petitioners. The back ground referred in the instant petition and documents appended with the petition and statement of one injured person Raja Shuban has not alleged an overact for Mst.Farhana Qamar and Ehteshan Asmat except their presence on the spot and a Civil Suit titled Noshewan etc Vs Qamar Rashid etc is also pending in the Court of Mr.Muhammad Naseer ud Din, Civil Judge Ist Class, Islamabad whereby Local Commission was also appointed for the purpose of visiting site and construction raised over site.

5. Keeping in view the above back ground and stance raised by the petitioners in this writ petition for quashing of cross version, the controversy is based upon disputed facts which could not be resolved through proceedings under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 read with Section 561-A Cr.PC. Even otherwise the matter is still under investigation. At this stage it is difficult to ascertain the real facts, therefore, instant petition is not maintainable and is **dismissed in limine** and Petitioners are directed to join investigation and record their version before the Investigating Officer if so desired.

(MOHSIN AKHTAR KAYANI)
JUDGE