

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.2257/2019.

Syed Haider Ali Naqvi

Versus

The S.H.O. P.S. Golra, Islamabad, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	18.06.2019.	Mian Tahir Iqbal, Advocate for petitioner.

Through this writ petition the petitioner has prayed for quashing of FIR No.205, dated 06.05.2019, U/S 406 PPC, P.S. Golra, Islamabad, which was got lodged by complainant/respondent No.2 against the petitioner and others with the allegation that petitioner and others have misappropriated title deed of her house, 30 tola gold jewelry, snatched vehicle No.BLG-987 Model 2014 and also prepared nude video of complainant's son.

2. Learned counsel for the petitioner contends that no offence is made out from the bare reading of FIR; that complainant in order to pressurize her husband got lodged instant FIR against the petitioner who is real brother of her husband and also thrown wider net to involve other relatives including real maternal uncle of her husband in order to extort money; that no such event took place as alleged in the FIR and entire FIR is based upon misstatement of facts, therefore, the same is liable to be quashed.

3. Arguments heard, record perused.

4. Perusal of record reveals that complainant/respondent No.2 has got lodged FIR No.205, dated 06.05.2019, U/S 406 PPC, P.S. Golra, Islamabad for snatching of her gold jewelry, vehicle No.BLG-987, titled documents of her property situated at Karachi and has also leveled the allegation against Syed Mohsin (brother of her husband) for making nude video of complainant's son who is from her previous marriage. All these events referred in the FIR are based upon disputed facts which could not be resolved in the constitutional jurisdiction at this stage especially when matter is under investigation.

5. It is trite law that only those FIRs could be quashed where the matter is purely of civil nature or no offence is made out and very registration of case is based upon malafide or there is any jurisdictional defect or violation of some provisions of law. Reliance is placed upon 2016 P.Cr.L.J. 1144 (Faisal Iqbal Vs. State), 2016 P.Cr.L.J. 305 (Muhammad Aslam Vs. Securities and Exchange Commission of Pakistan), 2015 P.Cr.L.J. 576 (Muhammad Zubair Vs. Senior Superintendent of Police).

6. It is also trite law that High Court cannot assume the role of investigation agency, nor even can direct to conduct the investigation of any criminal case in specific manner. Reliance is placed upon 2008 SCMR 76 (Dr. Ghulam Mustafa Vs. State). Even there are no exceptional circumstances apparent on record, which

call for quashing of instant FIR. Hence, instant petition is without merits and the same is hereby *dismissed in limine.*

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid