

**ORDER SHEET.**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT**

Criminal Appeal No. 69/2020  
Musarat Kareem  
Versus  
Dr. Zeeba Qureshi, etc

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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16.09.2020	Mr. Sufyan Haider, Advocate for the appellant, Mr. Najam ul Hassan Hashmi, and Mr. Adeel Bilal Advocates for respondents 1 to 5. Ch. Muhammad Tahir Mahmood, learned AAG. Majid Khan AD (Legal), M/O NHR&C.
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Through the instant criminal appeal under Section 10 of the Islamabad Consumer Protection Act, 1995 ("**Act of 1995**"),appellant impugns order dated 10.02.2020 passed by learned Additional District Judge-IV, Islamabad-West whereby complaint was returned to him for presentation before the proper forum.

2. Through the said compliant, appellant alleges malpractice and careless treatment at the hands of respondents 1 to 5 and also claimed compensation to the tune of Rs.18 Million on the account of loss sustained due to negligence of respondents besides a direction to the PM&DC to cancel the registration and membership of the said respondents.

3. Heard, record examined.

4. It is an admitted position that Regulatory Authority to entertain the complaints against the healthcare professionals has been constituted under Section 3 of the Islamabad Healthcare Regulation Act 2018 ("**Act of 2018**"). Under Section 32 of the Act of 2018, no court other than the Court of Sessions assumes

jurisdiction under the Act of 2018 unless a complaint in writing is filed before the aforesaid Court by the Authority.

5. The Act of 2018 explicitly bars the jurisdiction of other courts including the Court constituted under the Act of 1995. In that eventuality, the impugned order is inconsonance with the enactment (supra) as further proceedings in the matter would be *coram non judice*.

6. Learned counsels for the parties, AAG and representative of concerned Ministry have re-affirmed that the Authority in terms of Section 3 of the Act of 2018 has been constituted, therefore, proper course for the appellant would be to move the appropriate forum.

7. In view of above, the instant criminal appeal is accordingly **dismissed**.

**(FIAZ AHMAD ANJUM JANDRAN)**  
**JUDGE**

A.R. Ansari