

Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No. 936 of 2015

Ch. Muhammad Akram

Vs

SHO P.S Lohibher, Islamabad

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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18-10-2019. Mr. Qamar Inayat Raja, Advocate for the
petitioner.
Syed Zahid Hussain Bokhari and Ms. Khalida
Parveen, Advocates for private respondents.
Mr. Rabi Bin Tariq, State Counsel.
Mr. Abdul Waheed, S.I.

Through this petition the petitioner has
assailed order, dated 17.02.2015.

2. The learned State Counsel was asked
whether the order was complied with by the
Incharge of the Police Station. He has
answered in the affirmative.

3. The learned counsel for the petitioner
was asked whether relating to the same
dispute civil litigation was instituted. The
learned counsel has stated that the petitioner
had filed a civil suit which is pending before
the competent Court and wherein ~~the~~
evidence had been recorded.

4. In view of the above and in order to
meet the ends of justice, it would be
appropriate not to make any observation
regarding merits of the case and validity of
the documents alleged to be fake so that the

rights of the parties are not prejudiced in the pending civil suit.

5. The question whether the documents are valid or otherwise is a matter which is subjudice before a competent Court. Moreover, if the documents are proved to be forged to the satisfaction of the competent Court, then the petitioner would be at liberty to avail the remedies available under the law including initiating criminal proceedings. It is noted that the petitioner could have filed a private complaint under section 200 of the Criminal Procedure Code, 1898 after passing the impugned order which remedy he did not avail. At this belated stage when proceedings in the civil suit filed by the petitioner are at a final stage, it would be appropriate not to exercise jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 in the instant petition. Moreover, this petition was not maintainable because alternate remedy by way of filing a private complaint was provided under the law.
6. For the above reasons this petition is accordingly dismissed.

Saeed.

(CHIEF JUSTICE)