

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

Writ Petition No.1957/2020
Wang Xianming, etc
Vs
The State, 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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01. 23.07.2020 Mr. Muhammad Irfan Khattak, Advocate.

Through the instant writ petition, petitioners (Wang Xianming & Ijaz Hussain) pray for quashment of FIR No.144 dated 20.03.2020 under section 489-F PPC, registered at Police Station Industrial Area, Islamabad.

Learned counsel contends that the very registration of the instant FIR against the petitioners is tainted with *malafide* on the part of complainant as neither the petitioners are under any contractual obligation nor signed the cheque in question. Further contends that the petitioners have been found innocent during investigation but the same was not approved by the competent authority and that the challan has already been submitted before the court of competent jurisdiction.

It is settled principle that the jurisdiction in terms of section 561 Cr.PC read with Article 199 of the Constitution is to be exercised sparingly in exceptional cases and where alternate efficacious remedies in terms of Section 249-A or 265-K Cr.PC are available, normal course would not be allowed to be deflected. The questions that whether the petitioners are not signatories of any agreement and have not issued the

cheque, require probe which exercise is not permissible while deciding the instant petition.

Admittedly, the challan has already been submitted before the court of competent jurisdiction and keeping in view the facts and circumstances of instant case, further proceedings in the instant petition would amount to hamper the normal course. The learned counsel has not been able to demonstrate any exceptional ground warranting exercise of jurisdiction in terms of Section 561-A Cr.PC read with Article 199 of the Constitution. Consequently, the instant writ petition is dismissed in-limine.

**(FIAZ AHMAD ANJUM JANDRAN)
JUDGE**

Imran