

JUDGMENT SHEET
ISLAMABAD HIGH COURT, ISLAMABAD,
JUDICIAL DEPARTMENT

ICA No.484/2018

Muhammad Azeem Khan

Versus

The State etc.

Appellant by:	Syed Javed Akbar, Advocate
Respondent No.3 by:	Mr. Hassan Raza Pasha, Advocate
State by:	Mr. Sadaqat Ali Jahangir, State Counsel. Muhammad Ishaq, S.I.
Date of Decision:	11.12.2019.

MOHSIN AKHTAR KAYANI, J: Through the instant intra court appeal, the appellant has called in question the judgment dated 05.07.2018 of the learned Single Judge in Chambers passed in W.P. No.1203/2018, whereby F.I.R No. 384/2017, dated 23.11.2017, U/s 380, 506, 447, 34 PPC, registered at Police Station, Industrial Area, Islamabad was quashed.

2. Learned counsel for the appellant contends that the learned Judge in Chambers has passed the impugned judgment without considering the law on the subject and has also not considered the basic principles, which are to be considered in such type of proceedings. Learned counsel for the appellant has been confronted regarding maintainability of instant appeal, whereby he contends that no remedy is provided against the

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impugned judgment and even no separate proceedings are pending with any Court regarding the subject matter, hence the instant Intra Court Appeal is not maintainable.

3. Conversely, learned counsel for the respondent/Prof. Dr. Farooq Ahmad Bhatti contends that instant appeal is not competent in the light of Section 3(2) of Law Reforms Ordinance, 1972 as once FIR has been quashed, remedy of appeal is not provided under the law. It has further been contended that the entire issue has been considered by the learned Judge in Chambers in detail on the basis of civil dispute, which is pending with the Competent Court between the parties, as such instant Intra Court Appeal is liable to be dismissed out-rightly.

4. Arguments heard, record perused.

5. Perusal of record reveals that the appellant had lodged F.I.R No. 384/2017, dated 23.11.2017, U/s 380, 506, 447, 34 PPC, registered at Police Station, Industrial Area, Islamabad with the allegation that the respondent/accused extended life threats to his Chowkidar Shams Alam on 21.06.2017 at about 05 p.m after breaking the locks of the shops of Plaza.

6. Appellant's counsel has been confronted regarding maintainability of instant appeal, whereby he failed to justify the maintainability of instant appeal in the light of reported judgment **2003 SCMR 1957 (NAWAZUL HAQ CHOWHAN Vs. THE STATE and others)**, wherein it has been held by the Apex Court that Intra Court Appeal against the order of learned Single Judge of the High Court passed in Constitutional jurisdiction under Article

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199 of the Constitution read with Section 54-A, Cr.P.C for quashing of the F.I.R., was not maintainable.

7. For what has been discussed above, instant Intra Court Appeal is not maintainable and same is hereby **dismissed.**

(AAMER FAROOQ)
JUDGE

(MOHSIN AKHTAR KAYANI)
JUDGE

RAMZAN