

IN THE PESHAWAR HIGH COURT,
PESHAWAR

W.P.No.1019-P/2017

Date of hearing: 24.7.2017

Petitioner(s) : (Sheikh Arifur Rehman and another) by
Muhammad Sadiq Khan, Advocate

Respondent(s) (The SHO P.S. Khuram and another) Syed
Qaiser Ali Shah, AAG.

Mr. Muhammad Ismail Khalil, Advocate for respondent
No.3.

JUDGMENT

ABDUL SHAKOOR, J:- Petitioners through
the instant writ petition under Article 199 of
the Constitution of Islamic Republic of
Pakistan, 1973, have prayed for issuance of
a writ to quash FIR No.18 dated 08.02.2017
registered under sections 496-A/34 PPC at
police station, Khuram, District Karak and
proceedings initiated under it.

2. According to the FIR, the
petitioners have been charged for enticing

the daughter-in-law of respondent No.3 with criminal intent.

3. We have heard learned counsel for the petitioners and learned counsel for the respondents and have gone through the case file.

4. Perusal of the case FIR would show that the petitioners have been charged for the commission of cognizable offence. The question whether the petitioners have any nexus with commission of the offence or not will be well thrashed out by the learned trial court after recording the evidence which is proper forum for that purpose. At this stage it is not fair to quash the FIR which was under investigation and was at preliminary stage. It is also to be noted that beside availing the constitution remedy there is also alternate remedy for the petitioners by making application under section 249-A or 265-K Cr.P.C. after submission of challan or by invoking the jurisdiction of competent court under

section 439 Cr.P.C, or by invoking jurisdiction of High Court under section 561 Cr.P.C, if need be. Surprisingly, the petitioners without availing the appropriate remedies as referred hereinabove have invoked the constitutional jurisdiction of this court. Quashing of FIR at this stage will bound to cause injustice/prejudice to the case of complainant party. Under no circumstances this court can determine innocence or guilt of the petitioners while exercising its constitutional jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973. All the points raised by the learned counsel for the petitioners need evidence for resolution thereof which is not the function of this court, therefore, the instant petition, being bereft of any merit, is hereby dismissed.

Announced.
24.7.2017

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