

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

Writ Petition No.785-P/2013
Kausar Ali Shah Vs RPO etc

Date of hearing **22.01.2020**

Nemo for the petitioner.

Mr. Muhammad Riaz Khan, AAG, for the
official respondents.

JUDGMENT

AHMAD ALI, J. Through this common
judgment, we propose to decide the following
writ petitions having prayers mentioned against
each:-

**WP No. 785-P/2013 (Kausar Ali Shah Vs Regional Police
Officer etc)**

“It is therefore, most humbly prayed that on
acceptance of this writ petition, FIR 113
dated 10.03.2013 u/s 506/307 PPC r/w 25
Telegraph Act, PS Sheikh Maltoon, District
Mardan may kindly be quashed/cancelled
being illegal, baseless/corum-non-judice and
lodged by the respondent No.4 only to harass
the petitioner mentally and to compel him
for illegal demands and compromise.”

**WP No. 142-M/2013 (Kausar Ali Shah Vs Regional Police
Officer etc)**

“It is therefore, most humbly prayed that on
acceptance of this writ petition, FIR 153
dated 13.03.2013 u/s 419/420/417/
468/471/489-F PPC, PS Jewar, District
Buner may kindly be quashed/cancelled
being illegal, baseless/ corum-non-judice and
lodged by the respondent No.4 only to harass
the petitioner mentally and to compel him
for illegal demands and compromise.”

WP No. 786-P/2013 (Kausar Ali Shah Vs Regional Police Officer etc)

"It is therefore, most humbly prayed that on acceptance of this writ petition, FIR 122 dated 12.03.2013 u/s 489-F PPC, PS Sheikh Maltoon, District Mardan may kindly be quashed/cancelled being illegal, baseless/corum-non-judice and lodged by the respondent No.4 only to harass the petitioner mentally and to compel him for illegal demands and compromise."

WP No. 202-P/2014 (Syed Kausar Ali Shah and another Vs Regional Police Officer etc)

"It is therefore, most humbly prayed that on acceptance of this writ petition, FIR 29 dated 14.01.2014 u/s 342/347/109 PPC, PS Sheikh Maltoon, District Mardan may kindly be quashed/cancelled being illegal, baseless/corum-non-judice and lodged by the respondent No.4 only to harass the petitioner mentally and to compel him for illegal demands and compromise."

WP No. 2962-P/2013 (Aman Ullah Vs Syed Kausar Ali Shah etc)


"It is therefore, graciously prayed that while accepting this writ petition, the impugned order dated 08.11.2013 of the learned respondent No.2 (ASJ-II, Mardan) may please be declared illegal, without jurisdiction and without any authority and the respondent No.3 may please be restrained from arrest of the petitioner"



2. Perusal of previous order sheets reveals that no one is appearing on behalf of the petitioners since long, it seems that they are no more interested in pursuing the instant petitions, therefore, arguments of the learned AAG on behalf of the official respondents heard and after

thorough perusal of record, the matters were taken up for disposal on merit.

3. In all these petitions, filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioners have sought the constitutional jurisdiction of this Court to quash the FIRs/proceedings there under. Without going to the roots of the matter, suffice it to say, that alternate remedy in the shape of application under sections 249-A or 265-K Cr.P.C. is available to the petitioners. They may avail this remedy, if at all, the Trial Court proceed against them. In case titled "**Ghulam Muhammad Vs Muzammil Khan**" reported in (PLD 1967 S.C. 317), the apex Court held that remedy of quashment of proceedings is not available, when alternate remedy in the shape of 265-K or 249-A Cr.P.C. is available. Wisdom could be safely drawn from case laws reported in PLD 1992 S.C. 353, 2006 SCMR 276, 2006 SCMR 1192.



4. Moreover, the High Court has no jurisdiction, whatsoever; to take the role of investigation agency and to quash the FIR or any proceedings there under, while exercising power under Article 199 of the Constitution, unless and

until very exceptional circumstance exists.
 Reliance could be safely placed on case titled
“Doctor Ghulam Mustafa Vs The State”
 reported in 2008 SCMR 76.

5. In view of the above, the instant and
 connected writ petitions are dismissed
 accordingly.

Announced:
 22.01.2020



CHIEF JUSTICE



JUDGE