

JUDGMENT SHEET
PESHAWAR HIGH COURT D.I.KHAN BENCH
JUDICIAL DEPARTMENT

Cr.MQ No. 32-D of 2015

Date of hearing _____ 03/07/2015 _____

Appellant / petitioner (Sher Afzal) by Liaqat Ali Amjad
advocate

Respondent (State) by Mr. Adnan Ali Assistant AAG

MUHAMMAD GHAZANFER KHAN J.-The

petitioner, namely, SherAfzal Khan, through the instant petition under section 561-A Cr.PC has assailed the order dated 18/5/2015 of the learned Additional Sessions Judge-IV D.I.Khan, whereby his application forsuperdariof motorcar bearing registration No.ATE-364 in black colour, Model-2010 involved in case FIR No.194 dated 11/5/2015 under section 15 of the Arms Act registered in police station SaddarD.I.Khan was dismissed.

2. According to the FIR, huge quantity of arms and ammunities have been recovered from the motorcar in question driven by the petitioner at the relevant time for which he was having no valid license or permit.

3. I have carefully gone through record of the case and anxiously considered the arguments addressed at the bar by learned counsels for the parties.

4. Perusal of record transpires that the petitioner has failed to produce any document before the Courts below and even today before this Court to show that he is lawful owner of the vehicle in question. Besides, some of the arms and ammunitions have been recovered from secret cavities of the said motorcar and in such circumstances, the plea of the petitioner that he was having no knowledge of the same does not appeal to a prudent mind.

5. By now there is no denial of the fact that once the FIR is registered, the Superior Courts having constitutional, supervisory and inherent jurisdiction have consistently refrained from direct interference with the investigation conducted by the local police in a criminal case, as the courts could not exercise the control over the investigation which may be prejudicial to the fairness of proceedings, apart from being without jurisdiction.

6. While going through the contents of the FIR and record of the case, one could find no infirmity legal

or otherwise, or any jurisdictional defect which could justify this Court to interfere in the matter under section 561-A Cr.PC, unless and until very exceptional circumstances exist and which, as is evident from the record, is not the case here.

In a case law reported as **Doctor Ghulam Mustafa..Vs..The State (2008 SCMR 76)**, it has been held that the High Court has no jurisdiction, whatsoever, to take the role of investigation agency and to quash the FIR while exercising the inherent power under section 561-A Cr.PC, unless and until very exceptional circumstances exists.

5. So was held in the case of **Ghulam Muhammad..Vs..Muhammad Khan reported in PLD 1967 Supreme Court 317**) that remedy of quashment of proceedings is not available when alternate remedy is available in the shape of sections 249-A or 265-K Cr.PC.

6. In view of the above, this petition being bereft of any merit is dismissed.

ANNOUNCED **JUDGE**
3/7/2015.

To

The Additional Registrar,
Peshawar High Court,
Bench D.I.Khan.

SUBJECT: **CHARGE RELINQUISH REPORT**

R/Sir,

In compliance to the Notification bearing No.116-3 dated 4th June 2015, I submit departure report for availing 21 days earned leave (Ex Pakistan) with effect from 6th July 2015 (Forenoon) for the performance of Umrah and thus relinquish charge of

the post of Private Secretary today the 4th July, 2015
(afternoon).

Yours Obediently,

(SAEED-UR-RAHMAN)
Private Secretary.