

Abida Siddique. **Versus** The State and 02 others.

08.04.2025. Ms. Nosheen Ambar Bukhari, Advocate for the petitioner.  
Mr. Fakhar Abbas, Deputy Prosecutor General.  
Mian Imam Bakhsh and Mian Muhammad Imran,  
Advocate for respondent No.3.

2. Record speaks that case F.I.R. No. 284/2021, dated 22.07.2021 for the offences under Sections 420, 467, 468 and 471 of PPC read with Section 5(2) of Prevention of Corruption Act, 1947 was chalked out under the authorship of respondent No.3 (Fakhar Khalid) with the allegations that accused persons, in connivance with each other prepared a forged and fictitious Nikah Nama showing Mst. Abida Siddique (petitioner) as wife of his deceased father in order to grab properties left by his deceased father.

3. There is no bar to the simultaneous institution of both civil as well as criminal proceedings regarding the same matter. According to the guiding principles laid down by august Supreme Court of Pakistan in number of the judgments, where criminal liability is dependent upon or connected with the result of civil proceedings and it is difficult to draw a line between a bonafide claim and criminal act alleged, the trial court may postpone the criminal proceedings till the

conclusion of civil proceedings. The court should exercise the discretion in this regard keeping in view the circumstances of the case. The court should see as to whether the accused was likely to be prejudiced in case criminal proceedings are not stayed. If any reference in this regard is required, that can be had from 'Salman Ashraf v. Addl. District Judge Lahore and other' (2023 SCMR 1292), 'Muhammad Aslam v. The State and others' (2017 SCMR 390) 'Abdul Ahad v. Amjad Ali and others' (PLD 2006 Supreme Court 771).

4. Said Nikah Nama was subject matter of civil litigation between the parties. Genuineness or otherwise of the Nikah Nama has to be determined by the learned civil court, as such fate of the criminal case depends upon the fate of civil cases, therefore, propriety demands that the learned trial court should not finalize the proceedings till the disposal of the civil/family cases between the parties.

5. I, therefore, allow the present petition in the manner that learned trial court shall continue the proceedings, but shall not dispose of the case finally before the decision of the family/civil cases between the parties in order to avoid the chance of conflicting judgments.

Copy of this order be sent to the learned trial court concerned.

**(TANVEER AHMAD SHEIKH)**  
**JUDGE**

**Approved for reporting.**

**JUDGE**