JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
(JUDICIAL DEPARTMENT)

W.P. No. 09/2026

Fazeela Abbasi

Versus

Federation of Pakistan, etc.

Petitioner by: M/s S. Naeem Bokhari and Nasir Mehmood, Advocates.

Respondents by: Mr. Sarfraz Rauf, AAG
Mr. Naveed Raza Mughal, Advocate for complainant.
Barrister Bilal Naseer, Advocate for CDA.
Dr. Suleman, D.D. IHRA.
Muhammad Sharif Bandeshah, S.O Law, IHRA.
M. Afzal Khan Niazi, D.D. FIA.
M. Riaz, AD (Law), FIA.
Shams Gondal, S.I/SHO, FIA.

Date of Hearing: 18.02.2026.

KHADIM HUSSAIN SOOMRO, J: Through this writ petition, the petitioner seeks quashment of FIR No. 111, dated 18.12.2025, u/s 109/201 PPC & 14, 30 of IHRA, 2018, read with Section 5(2)47 PCA, 1947, PS FIA/ACC, Islamabad.

2. Brief facts stated in the aforesaid FIR, lodged on the complaint of Asad Ullah Khan are that consequent upon Enquiry No. 178/2025 conducted by Police Station FIA Corporate Crime Circle (CCC), Islamabad, it has been unequivocally established beyond reasonable doubt at this stage that accused Fazeela Abbasi d/o Mazhar Ali Abbasi, holder of CNIC No. 61101-5386574-6, has been systematically, deliberately, and criminally operating an illegal healthcare/ beauty clinic under the name and style of "DFA' by Dr. Fazeela Abbasi", located at House No. 02, Street No. 44, Sector F-8/1, Islamabad, in flagrant defiance of

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statutory law, regulatory authority, and public safety norms. The accused has intentionally usurped the role of a regulated healthcare provider without obtaining mandatory registration and licensing from the Islamabad Healthcare Regulatory Authority (IHRA) as required under the Islamabad Healthcare Regulation Act, 2018, thereby knowingly violating the law for unlawful financial gain. The sustained operation of the illegal clinic could not have continued without active criminal facilitation, protection, and patronage by corrupt officers/ officials of IHRA Islamabad, with whom the accused entered into a criminal conspiracy, amounting to abuse of official authority, corruption, and institutional subversion. It has further been firmly established that the accused illegally converted and exploited a residential premises for commercial healthcare activities, in blatant violation of CDA zoning and building by-laws, with the deliberate connivance and complicity of officers/officials of the Building Control Section and Enforcement Section of CDA Islamabad, thereby undermining municipal governance and exposing the general public to grave safety risks. The accused habitually, recklessly, and criminally used, stored, and administered unregistered, substandard, and spurious medicines and medical products at the said premises. These actions were inherently life-threatening and carried out with complete disregard for human life, exposing patients to irreversible disfigurement, serious bodily harm, life-long infections, and potential death, thus constituting a direct assault on public health and safety. Acting on credible, verified intelligence, a lawful and court-authorized raid was conducted by a team of PS FIA CCC, Islamabad, comprising Nouman Khalil (Assistant Director), Zohaib Khan Niazi (Assistant Director), Madiha Azam (Sub-Inspector), Faisal Aziz (ASI), and Mahmood Riaz (ASI), along with officers/ officials of the Drug Regulatory Authority of Pakistan (DRAP), after obtaining a search and seizure warrant from the Area Magistrate, Islamabad-West, in strict compliance with legal requirements. During execution of the raid, it was

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discovered that the accused, having prior knowledge of impending law-enforcement action through corrupt sources, had deliberately removed, concealed, and destroyed unregistered and spurious medicines and related incriminating material, thereby intentionally causing disappearance of vital evidence with the specific object of evading legal consequences and shielding her accomplices, constituting a serious offence of obstruction of justice. The conduct of the accused throughout demonstrates mens rea, habitual criminal intent, and calculated abuse of regulatory loopholes, clearly establishing willful defiance of law, corruption, conspiracy, and endangerment of human life. In view of the above overwhelming facts, documentary evidence, and conduct of the accused, a strong prima facie case of organized illegality and corruption is made out. The competent authority has formally approved the registration of the criminal case. Hence, this FIR.

3. Learned counsel for the petitioner submits that the contents of the FIR, even if taken at their face value and accepted in their entirety, do not disclose the commission of any cognizable offence and, therefore, the same is liable to be quashed. It is contended that the allegation leveled against the petitioner, namely that she is allegedly running a clinic without lawful authorization and using a residential property for commercial purposes in purported violation of the CDA laws and regulations, does not constitute a cognizable offence within the meaning of the Code of Criminal Procedure. Learned counsel argues that at best, such alleged acts may amount to regulatory or administrative violations, for which the relevant statutes provide specific civil, departmental, or penal consequences to be enforced through designated forums and authorities, but not through the registration of an FIR.

4. It is further submitted that even an alleged violation of any provision of the Islamabad Healthcare Regulation Act, 2018, does not fall within the ambit of a cognizable offence, as the said statute prescribes its own mechanism for

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inspection, inquiry, imposition of fines, suspension, or sealing, to be undertaken by the competent regulatory authority. Learned counsel contends that the invocation of criminal machinery in the absence of a cognizable offence is a clear abuse of the process of law, as it seeks to convert a purely regulatory dispute into a criminal prosecution, contrary to the legislative intent. It is, therefore, urged that the registration of the impugned FIR is without lawful authority, suffers from legal infirmity, and warrants interference by this court to prevent misuse of the criminal process and to secure the ends of justice. The counsel relied upon Section 32 of the Islamabad Healthcare Regulation, 2018, which is reproduced as under:-

> ***32. Cognizance by court.***---*(1) Save as provided in this Act, no court other than the Court of Sessions assume jurisdiction under this Act unless a complaint in writing is filled before the aforesaid court by the authority?*

5. Learned counsel further submits that Section 109 of the Pakistan Penal Code pertains to abetment, while Section 201 PPC relates to causing the disappearance of evidence of an offence or giving false information to screen an offender from legal punishment; however, neither of these provisions is prima facie attracted to the facts and circumstances of the present case, as the FIR does not disclose any specific act on the part of the petitioner constituting abetment or any overt act aimed at concealing evidence or misleading law-enforcement authorities. It is further contended that Section 5(2) read with Section 47 of the Prevention of Electronic Crimes Act, 2016 has also been invoked without lawful justification, inasmuch as the allegations set forth in the FIR do not disclose the essential ingredients of the said offence, and no material has been brought on record to suggest any misuse of electronic means falling within the purview of the aforesaid provision, rendering the application of these penal sections wholly misconceived and unsustainable in law.

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6. On the other hand, the learned Assistant Attorney General submitted that the scope of constitutional jurisdiction under Article 199 of the Constitution in matters relating to quashment of FIR is limited and is to be exercised sparingly. It may further be contended that the allegations in the FIR are not confined to mere regulatory non-compliance, but also include assertions of deliberate concealment of evidence, prior knowledge of the raid through corrupt sources, and removal or destruction of incriminating material. Such allegations, prima facie, attract penal consequences beyond mere administrative violations and require thorough investigation. The learned Assistant Attorney General further contended that, under the Islamabad Healthcare Regulation Act, 2018, it may be argued that Section 30 of the Act specifically criminalizes the establishment of a healthcare establishment without registration or licence and provides punishment with imprisonment. The counsel argued that the allegation of deliberate removal and destruction of material before execution of the search warrant prima facie constitutes causing the disappearance of evidence, which falls within the definition of section 201 of the Pakistan Penal Code (PPC).

7. Learned counsel for the CDA submits that the allegation contained in the FIR to the extent of conversion or use of a residential premises for commercial healthcare activities squarely falls within the domain of municipal and regulatory control governed by the Islamabad Capital Territory Building Control Regulations, 2020. Regulation 2.1.7 specifically permits a residential house to be used by its resident professional, including a doctor, for a "home occupation," subject to prior permission and payment of the prescribed charges. Even where such permission has not been obtained, or where the extent of use exceeds the permissible limit, the consequences under the regulatory framework are administrative and civil in nature. It is contended that the Building Control Regulations provide for regulatory measures such as the imposition of annual charges, sealing, suspension of activity, issuance of a show cause notice, and

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imposition of fines. The scheme of the regulations does not create an independent cognizable criminal offence merely on account of conversion or excessive use of a residential premises. The matter, therefore, at best constitutes a zoning or building violation to be addressed through departmental proceedings under the relevant municipal law. Learned counsel further submits that neither the FIR nor the applicable CDA regulations disclose any specific penal provision rendering such conversion per se a criminal act warranting registration of an FIR under the Code of Criminal Procedure. The absence of a clearly defined criminal offence under the CDA laws indicates that the legislature intended such matters to be dealt with through regulatory enforcement rather than criminal prosecution. It is thus respectfully submitted that, insofar as the role of CDA is concerned, the allegation of conversion from residential to commercial use does not attract criminal liability. The proper course available to the authority, if a violation is established, would be imposition of a fine, sealing of premises, or other regulatory action in accordance with the Building Control Regulations, 2020, but not initiation of criminal proceedings through registration of an FIR.

8. Representative of IHRA states that Learned counsel submits that the allegations relating to the operation of a healthcare establishment without registration fall squarely within the framework of the Islamabad Healthcare Regulation Act, 2018, which is a special statute providing a complete mechanism for inspection, inquiry, adjudication, and imposition of penalties. Sections 29 and 30 of the Act show that action is to be preceded by inspection, issuance of a show cause notice, and opportunity of hearing through a duly constituted Hearing Committee. It is further submitted that Section 32 of the Act expressly provides that no Court shall assume jurisdiction unless a complaint in writing is filed by the authority. This clearly indicates that prosecution under the Act is complaint-based and not police initiated. The statutory scheme does not contemplate routine registration of FIR under Section 154 Cr.P.C. in matters of regulatory

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non-compliance. Learned counsel contends that until the authority conducts an inquiry and determines a violation in accordance with the Act and Regulations, the alleged Act cannot automatically be treated as a cognizable offence. At the most, the matter attracts regulatory consequences such as a fine, suspension, or sealing, as provided under the Act. The counsel finally submitted that the initiation of criminal proceedings by registering an FIR, without first invoking the statutory mechanism under the Islamabad Healthcare Regulation Act, 2018, is not in consonance with the legislative scheme, and the alleged violation does not per se constitute a cognizable offence.

9. Arguments heard, record perused.

10. Before adverting to the merits of the controversy, it would be advantageous first to have a glance at the ratio decidendi laid down by the august Supreme Court of Pakistan with regard to the scope of quashment of an FIR. In the case of "*Ayesha Tayyab vs. Station House Officer, Police Station Cantt. District Sialkot and others*" (2025 SCMR 1117), wherein it was held that:-

> *"Article 199(1)(a)(ii) of the Constitution of the Islamic Republic of Pakistan, 1973 confers powers on High Court to judicially review the acts done or proceedings taken by the persons performing functions in connection with the affairs of the Federation, a Province or a local authority. Where such acts or proceedings are found to be without lawful authority, the High Court is fully competent to declare them as such and of no legal effect. The registration of FIR and investigation are the acts of the police department, which is part of the provincial law enforcement apparatus. Therefore, the High Court, under Article 199 of the Constitution of the Islamic Republic of Pakistan, possesses the constitutional jurisdiction to quash an FIR, but as held by this court on numerous occasions, such power must be exercised sparsely and in the most exceptional circumstances. The High Court can quash an FIR under Article 199, in cases where no offence is made out against the accused from the facts on record, or where the registration of FIR reflects misuse of legal authority or lacks sound legal justification because prosecution under such conditions would be tantamount to abuse of the process of law,*

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> *or where FIR is registered without proper authority or in clear violation of established laws."*

11. In the case of "*FIA through Director General, FIA and others vs. Syed Hamid Ali Shah and others*" (PLD 2023 SC 265), the Supreme Court of Pakistan held that:-

> *Under section 154 of the Cr.P.C., a first information report (FIR) can be registered only with regard to the commission of a cognizable offence. Similarly, an investigation can be made by a police officer, without the order of a Magistrate, under section 156 of the Cr.P.C. only in respect of a cognizable offence. Needless to say, it is the contents of an FIR which are to be seen to ascertain whether a cognizable offence is made out of the allegations contained therein, and mere mentioning of a particular Section of the P.P.C. or any other offence under the law in the FIR is not determinative in this regard. However, the falsity or truthfulness of those allegations is not under examination for the purpose of determining the legal authority of the police officer to register the FIR. The precise question is: whether the allegations as contained in the FIR make out the commission of a cognizable offence; if so, what is that?*

12. It is by now a settled principle that the constitutional jurisdiction of the High Court under Article 199 of the Constitution to quash criminal proceedings is to be exercised sparingly, cautiously, and only in exceptional circumstances. The court, at this stage, is required to confine itself to the bare reading of the FIR and ascertain whether the allegations, if taken at their face value and accepted in their entirety, disclose the commission of a cognizable offence. The veracity, sufficiency, or otherwise of the evidence is not to be examined in writ jurisdiction, as such matters fall within the domain of the investigating agency and the trial court. Interference is warranted only where the FIR does not disclose any offence, is registered without lawful authority, or the continuation of proceedings would amount to an abuse of the process of law. Keeping in view the aforesaid settled principles, the present case is to be examined.

13. Now reverting back to the contents of the FIR, wherein the first set of allegations pertains to the Islamabad Healthcare Regulatory Authority. It is

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alleged that the petitioner was operating a healthcare and beauty clinic under the name "DFA by Dr. Fazeela Abbasi" without obtaining mandatory registration and a licence as required under the Islamabad Healthcare Regulation Act, 2018. It is further alleged that she deliberately continued such operations in violation of the statutory framework, thereby usurping the role of a regulated healthcare provider.

14. A conjoint reading of Regulations 30 to 34 of the Islamabad Healthcare Regulatory Authority Regulations, 2023, makes it evident that these provisions are purely regulatory and procedural in nature. Regulation 30 deals exclusively with the composition, qualification, and appointment of the inspection team. Regulation 31 delineates the functions of such a team, subject to the written authorization of the authority. Regulation 32 enumerates the powers of the inspection team during inspection, including entry into premises, access to records, inspection of equipment, and, in appropriate cases, confiscation or interim suspension, subject to reporting to the authority. Regulation 33 provides for the constitution of a Hearing Committee, while Regulation 34 mandates affording an adequate opportunity of hearing to the healthcare establishment before any adverse action is taken.

15. These provisions collectively establish a structured administrative mechanism for inspection, inquiry, and adjudication within the regulatory framework of the Act. They neither create a standalone criminal offence nor prescribe immediate penal consequences warranting registration of an FIR. Instead, they reflect the legislative intent that alleged violations are first to be processed through inspection, reporting, a show-cause notice, and hearing before the competent authority. Therefore, Regulations 30 to 34, read in their entirety, do not by themselves justify initiation of criminal proceedings, as they are designed to ensure due regulatory compliance rather than to trigger criminal

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prosecution at the threshold. For the ready reference, the relevant regulations are reproduced as under:-

> "30. **Inspection team.** (1) An inspection team shall consist of inspection officers of the authority while two experts of the field may be chosen from the pool of experts developed under sub-section (2) of section 19 of the Act:
>
> Provided that in absence of the Registration Board, the authority may appoint a said experts with approval of the Board.
>
> (2) Qualification and experience of the experts of an inspection team shall vary according to different categories of inspections required to be made for various HCEs.
>
> (3) Authority shall ascertain the required qualification and experience of an expert for different categories of inspection and HCEs.
>
> 31. **Functions of the inspection team.** (1) Subject to the Act, an inspection team shall not inspect a HEC without an order or direction in writing of the Authority, or any other officer authorized in this behalf by the authority.
> (2) An inspection team may perform any of the inspections mentioned in part VI of these regulations, subject to sub-regulation (1).
> (3) All inspections shall be carried out according to the provisions of the Act, rules and regulations prescribed thereunder.
> (4) An inspection team shall report to the director or deputy director inspections or such other officer of the directorate as may be appointed in this regard by the Board of the Authority or CEO where power is delegated to him.
>
> 32. **Power of an inspection team.** (1) An inspection team shall have following powers for any inspection made under regulation 29, part VI of these regulations, namely:-
>
> > (a) an application for grant of a registration or a licence or its renewal pursuant to the Act and rules and regulations made thereunder, would give power to an inspection team for complete acquiescence to any entry or inspection for which the grant or renewal of a registration or a licence is sought in order to facilitate verification of the information submitted on, or in connection with, such an application;
> > (b) the authority or an inspection team or any duly designated representative shall have the power to enter upon and into premises of the applicant or a licencee, as the case may be, pursuant to the Act, rules and regulations made thereunder at any time without threat of injury, verbal abuse, or harassment and in the spirit of mutual cooperation in order to determine the status of compliance with the Act and rules and regulations made thereunder. In case any person tries to interfere with the inspection process, the authority may impose a fine as per the relevant provisions of the Act;

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(c) the authority or its inspection team or any authorized person of the authority shall have powers to have full access to all the relevant records, documents and reports at the said premises of HCE or in the possession of its management, as required for the purpose of the Act and rules and regulations made thereunder or other applicable law;
(d) an inspection team shall have power to copy any records, documents and reports found in HCE or in the possession of its management either manually or by photocopy, unless otherwise protected by law, at no expense to the authority,
(e) an inspection team shall have power to inspect any apparatus, appliance, equipment, instrument, product, goods or item used or found in, or any practice or procedure being carried out at a healthcare establishment or by a healthcare service provider;
(f) where, in opinion of the inspection team, the use of any apparatus, appliance, equipment, instrument, product, goods or item, or the carrying out of any practice or procedure in a healthcare establishment, is dangerous or detrimental to any person therein or otherwise unsuitable for the purpose for which it is used or carried out, it may confiscate the said good or item or suspend the use of it and shall immediately report the matter in writing to the authority along with the necessary details. On receipt of report the authority may act according to the provisions of the Act and rules and regulations made thereunder:

Provided that inspection team shall keep the confiscated goods or items in the record room of the authority for such time as may be necessary for the proceedings:

Provided further that confiscated goods or items shall be disposed of according to the law and on the order in writing of the director inspection;

(g) an inspection team may pass an interim order of suspension of services or sealing of a HCE till further order of the hearing committee and shall record its reasons in writing for doing the same;
(h) a member of the inspection team shall not disclose any information at any forum which is contained in the medical record, or which relates to the condition, treatment or diagnosis, of any person, as may have come to his knowledge in the course of carrying out any investigation, inspection, enquiry or performing any duty or function under the Act and these regulations unless allowed in writing by the authority with consent of the HCE. In case the authorized officers undertake misconduct in this regard, they shall be proceeded against as prescribed in the human resource management rules without prejudice to any other action as may be taken in accordance with the applicable law.

33. **Hearing Committee.** (1) The Authority shall, for the purpose of affording adequate opportunity of hearing under sub-section (2) of section 29 of the Act, constitute a hearing committee, which shall consist of at-least three members to be appointed from amongst the

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officers of the authority and must include a law officer of the authority and shall appoint one of its members as chairperson of the hearing committee:

Provided that an expert, who has been part of the inspection team which inspected the healthcare establishment for violation of the provisions of the Act, rules and regulations made thereunder, shall not be a member of the hearing committee.

34. **Hearing opportunity.** An adequate opportunity of hearing shall be provided to the healthcare establishments or healthcare professional, as the case may be, to whom show cause notice is served or whose services has been suspended or is sealed by the inspection team of the authority, as the case may be."

16. Section 29 of the IHRA, 2018, deals with penalties for contravention of the provisions of the Act, rules, and regulations. It empowers the authority to impose monetary penalties after affording an adequate opportunity of hearing. The structure of Section 29 reflects a regulatory and administrative approach. The contravention is first to be examined by the authority, followed by adjudication and imposition of a fine. The provision does not contemplate immediate criminal prosecution by police; rather, it vests primary enforcement jurisdiction in the authority itself. For ready reference, the relevant section of the Islamabad Healthcare Regulation Act, 2018 is reproduced as under:-

29. **Penalties.**---(1) Notwithstanding anything contained in any other law, the authority may, for contravention of a provision of this Act, rules and regulations, impose penalties which may extend to ten hundred thousand Rupees keeping in view gravity of the contravention.

(2) The Authority shall afford adequate opportunity of hearing to a person before imposing penalty under sub-section (1).

(3) If the complaint, submitted either by an aggrieved person or a healthcare professional, is proved false, the authority may impose penalty which may extend to two hundred thousand Rupees upon the complainant.

(4) The Authority may revise the quantum of penalties under this section with the approval of the Federal Government.

17. Section 30 provides for offences relating to the establishment of a healthcare establishment without registration or a licence. Subsection (1)

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prescribes the punishment; however, the proviso makes it clear that the Board shall cause an inquiry to determine the degree of care, damage, diligence, or negligence within a specified period. This indicates that even where penal consequences are envisaged, a prior determination through inquiry by the competent forum under the Act is required. Subsection (2) deals with obstruction of inspection, again within the regulatory framework of the Act. Most significantly, subsection (3) of Section 30 declares that "quackery" by a person who does not qualify to be registered or licensed under the Act shall be a non-bailable and cognizable offence punishable with imprisonment. The emphasis is on a person who does not qualify to be registered. Thus, the legislature has carved out a specific and aggravated category of offence for unqualified individuals practicing medicine without requisite qualifications. The provision does not extend to a qualified and registered medical practitioner who may be alleged to have committed regulatory non-compliance, such as operating without a licence renewal or procedural irregularity. For ready reference, the relevant section of the Islamabad Healthcare Regulation Act, 2018 is reproduced as under:-

> 30. **Offences.**-(1) Whoever himself or by any other person on his behalf establishes any healthcare establishment without registration or a licence shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one million Rupees or with both:
>
> Provided that the Board shall cause to conduct an inquiry to calculate the degree of care, damage, diligence or negligence, within a period of ninety days, by such group consisting of experts of allopathic or alternative medicine system, as the case may be.
>
> (2) Whoever obstructs an inspection in the exercise of any power conferred upon him by or under this Act or disobeys the lawful authority of any member of inspection team, he shall be punishable

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> with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand Rupees or with both.
> (3) The quackery by person who does not qualify to be registered or licensed under this Act shall be non-bailable and cognizable offence punishable with seven years of imprisonment or fine which may extend to two million Rupees or with both. **(Underlining for emphasis)**

18. Section 32 further strengthens this interpretation. It provides that no court shall assume jurisdiction under the Act unless a complaint in writing is filed by the authority. The statutory mechanism is thus complaint-based and authority-driven. Even otherwise, no FIR can be registered against a qualified doctor in contravention of the legislative mechanism provided in Section 32, as the Act envisages initiation of proceedings through a written complaint by the competent authority after due inquiry. The combined reading of Sections 29, 30, and 32 makes it evident that, except in the limited case of quackery under Section 30(3), the alleged violations are regulatory in character and do not automatically constitute a cognizable offence warranting registration of an FIR against a qualified practitioner. For ready reference, the relevant section of the Islamabad Healthcare Regulation Act, 2018 is reproduced as under:-

> 32. **Cognizance by court.** (1) Save as provided in this Act, no court other than the Court of Sessions assume jurisdiction under this Act unless a complaint in writing is filled before the aforesaid court by the authority?. **(Underlining for emphasis)**

19. The second allegation concerns the violation of CDA zoning and building regulations. It is alleged that the petitioner converted and exploited a residential premises situated in Sector F-8/1, Islamabad, for commercial healthcare purposes in violation of the Islamabad Capital Territory Building Control Regulations, 2020, allegedly in connivance with officials of the Building Control and Enforcement Sections of CDA. A plain reading of Regulation 2.1.7 of the Islamabad Capital Territory Building Control Regulations, 2020, makes it evident

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that the provision is regulatory and enabling in nature. It expressly permits a residential house to be used by its resident professional, including a doctor, for "home occupation" subject to prior permission, limited use of space not exceeding two rooms or 25 percent of the covered area, preservation of the residential character of the building, and payment of prescribed annual charges. The object of the regulation is to regulate and condition such use, not to prohibit it altogether.

20. The Regulation does not define any criminal offence, nor does it prescribe imprisonment or declare its violation to be cognizable. At the most, failure to obtain prior permission or non-compliance with the prescribed conditions may entail administrative consequences such as payment of charges, imposition of a fine, sealing of premises, or other municipal action under the CDA regulatory framework. In the absence of any express penal provision creating criminal liability, non-compliance with Regulation 2.1.7 gives rise only to civil or regulatory liability and does not justify registration of an FIR under the criminal law. The aforesaid regulation is reproduced as under:-

> "2.1.7 A residential house, may be used by its resident professional such as architect, town planner, lawyer, doctor, engineer etc. for -Home Occupation" with prior permission of the authority on yearly basis, provided that the overall residential character of the building is not changed and not more than two rooms/not more than 25% of covered area of the house is used for home occupation. Furthermore it should not constitute, in any way, nuisance to the neighbors' in any form as determined by the authority. Charges of Rs. 50,000/- per year shall be payable for home occupation."

21. The fourth allegation pertains to the alleged storage and use of unregistered, substandard or spurious medicines at the premises. However, a careful scrutiny of the record reveals that no specific drug has been named in the FIR, nor has any particular batch number, manufacturer, expiry date or

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classification been mentioned. There is no reference to any recovery memo identifying a specific substance declared as spurious or substandard by the competent authority. In the absence of identification of a particular drug and its statutory status under the relevant drug laws, the allegation remains vague and general in nature.

22. It is further noteworthy that no public complaint has been cited in the FIR alleging harm, adverse reaction, or injury attributable to any such drug. There is also no material indicating from where the alleged medicines were procured, through which distributor, or in what quantity. At the stage of registration of FIR, there appears to have been no prior laboratory analysis, no determination by DRAP, and no finding by any competent forum declaring the seized products to be spurious or unregistered. In criminal law, particularly in matters concerning alleged spurious drugs, specific recovery, scientific examination, and clear linkage are foundational requirements. In the absence of recovery of a specifically identified prohibited substance and in the absence of any preliminary determination by the relevant drug regulatory authority, the allegation lacks the essential factual particulars necessary to constitute a cognizable offence.

23. The fifth allegation pertains to the alleged obstruction of justice and disappearance of evidence within the meaning of Section 201 PPC. It is asserted that the petitioner, having prior knowledge of an impending raid, removed, concealed, or destroyed incriminating material. However, a careful reading of the FIR reveals that no specific article, document, medicine, or material has been identified as having been destroyed or concealed. There is no mention of any recovery memo demonstrating tampering, nor any inventory showing a shortage of particular items allegedly removed prior to the raid. In the absence of specification of the alleged "incriminating material", the allegation remains vague and unsupported by concrete particulars. Furthermore, Section 201 PPC

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postulates the disappearance of evidence of an offence already committed, with the intention of screening the offender from legal punishment. For its attraction, the prosecution must prima facie demonstrate not only the commission of a cognizable offence but also a deliberate act resulting in the disappearance of identifiable evidence relating to such offence. At the stage of FIR, there appears to be no material indicating what precise offence had been committed, what specific evidence existed, and in what manner it was destroyed. Mere assertion that material was removed, without description, recovery, forensic linkage, or independent corroboration, does not satisfy the foundational ingredients of Section 201 PPC. Therefore, the allegation, in its present form, lacks the necessary factual substratum to attract criminal liability under the said provision.

24. It is worth mentioning that during the course of proceedings, the representative of IHRA categorically stated that the prescribed licence fee under the Islamabad Healthcare Regulation Act, 2018, is only Rs. 10,000/-. Similarly, learned counsel for CDA submitted that under Regulation 2.1.7 of the Islamabad Capital Territory Building Control Regulations, 2020, the annual charges for home occupation are Rs. 50,000. When these officially prescribed and modest regulatory amounts are taken into account, the allegation of illegal gratification or unlawful financial gain appears incongruous with the statutory scheme. There is no material on record indicating any specific demand, receipt, or quantified amount of illegal consideration beyond these fixed charges. In the absence of such foundational material, the insinuation of corruption remains unsupported and does not prima facie sustain the allegation of illegal gratification.

25. In view of the foregoing discussion, this court is of the considered opinion that the allegations contained in the impugned FIR, even if taken at their face value and accepted in their entirety, do not disclose the commission of a cognizable offence to justify initiation of criminal proceedings. The alleged

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violation of the Islamabad Healthcare Regulation Act, 2018, falls within the regulatory domain of the authority and is subject to the complaint-based mechanism envisaged under Section 32 of the Act. The purported breach of CDA Regulation 2.1.7, at best, attracts civil or administrative consequences and does not create criminal liability. The allegation relating to the use of spurious or unregistered medicines lacks specificity, recovery details, and foundational material. At the same time, the invocation of Section 201 PPC is unsupported by the identification of any specific evidence alleged to have been destroyed or concealed. The continuation of criminal proceedings in such circumstances would amount to misuse of the criminal process and an abuse of law, particularly when the special statutes provide their own enforcement mechanisms. Accordingly, the impugned FIR No. 111 dated 18.12.2025 registered at Police Station FIA/ACC, Islamabad is hereby quashed. The writ petition is **allowed** in the above terms. However, petitioner is at liberty to seek appropriate remedy against the complainant and officials of FIA, if so advised. No order as to costs.

(KHADIM HUSSAIN SOOMRO)
JUDGE

Announced in open court on 6th day of March, 2026.

JUDGE

APPROVED FOR REPORTING

Zahid

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