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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II/JUSTICE OF  
PEACE ORAKZAI AT BABAR MELA**

**Cr. miscellaneous application No.2/19 Of 2019**

**Date of Institution: 24/06/2019**

**Date of Decision: 02/07/2019**

**Syed Mahroom Jan Vs SHO etc**

**ORDER**  
**02.07.2019**

Petitioner along with counsel present. Learned APP for the state present. Comments/report of the SHO received and placed on file.

The petitioner Syed Mehroom Jan s/o Syed Muhammad Taqi r/o Hamal Mahoora Tapa Baba Nwasee, Mahoora District Lower Orakzai seeks to invoke the jurisdiction of this Court u/s 22-A Cr. PC for issuing directions for registration of FIR against respondents No 1 and 2.

Brief facts of the case as per contents of the petition submitted by the petitioner under section 22-A Cr.P.C are that, the petitioner belongs to Suleman Khel area of District Lower Orakzai where he owns about eight ja-eeb landed property, that the said property has been illegally occupied by the respondents No. 1 and 2 and they have restrained the petitioner to enter upon his property, that the petitioner sent a tractor to plough his property for cultivation but the respondents returned the tractor by extending threats, that the petitioner could not cultivate his property due to the act of the respondent No. 1 and 2, that the respondents has also demolished the side walls in his property. The petitioner contended in his application that he apprehends threats from the respondents. The petitioner invoked the



jurisdiction of this Court u/s 22-A Cr.P.C seeking directions of this Court for registration of FIR against respondents. The comments of the SHO concerned were sought who submitted the same, which are placed on file.

Arguments of learned counsel for the petitioner heard and available record perused.

The contents of application would evince that the dispute between the parties is over the landed property wherein the main contention of the petitioner is that the respondents have illegally occupied his property and the petitioner cannot enter upon his property for cultivation. The matter as evident from the contents of the application is purely of civil nature and do not constitute the commission of any cognizable offence. The petitioner is required to knock the door of civil court for the redressal of his grievance if so advised. Justice of peace have no jurisdiction to determine civil dispute between the parties over the landed property as in such matter questions of ownership and possession are involved which exclusively falls within the jurisdiction of civil courts. Civil matter could not be converted into criminal litigation by invoking the jurisdiction u/s 22-A Cr.P.C, therefore, in such circumstances the registration of criminal cases cannot be directed. Furthermore, as stated by the petitioner at the bar that the respondents have executed bonds for keeping peace and good behavior, therefore the grievance of the petitioner that he apprehends threats form the respondents has been sufficiently redressed. Besides that, the petitioner has also the alternative and efficacious remedy to file a criminal complaint against the respondents before the court of criminal jurisdiction to proceed against the respondents. At present no case has been mad out before this court for

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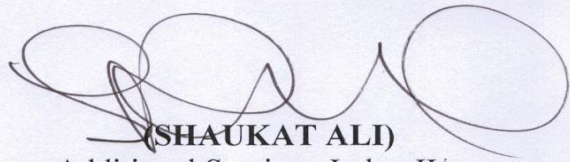
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issuing directions to the SHO for the registration of FIR against the respondents No.1 & 2.

In view the above facts and discussion this court is not inclined to issue directions for the registration of FIR against the respondents, hence the instant petitioner stands dismissed.

File be consigned to District Record Room Hangu after necessary completion and compilation

**Announced**  
**02-07-2019**



**(SHAUKAT ALI)**  
Additional Sessions Judge-II/  
Justice of Peace,  
Orakzai at Babar Mela

**SHAUKAT ALI**  
Addl: District & Sessions Judge-II,  
Orakzai at Hangu