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

**Cr. miscellaneous application No.04/6 Of 2019**

Sameer Khan vs SHO

Date of Institution: 29/08/2019

Date of Decision: 04/09/2019

**ORDER**  
**04.09.2019**

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

The petitioner Sameer Khan s/o Khail Muhammad r/o Ali Khel Talay Upper District 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, 2 and 3.

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 is the resident of Upper District Orakzai where he is the owner of agriculture property and forest, that the petitioner is in possession of his property and meets his requirements from the income of the said forest, that on 25/06/2019 at 9:00 AM he received information that the trees from his forest has been cutting and on that information the petitioner along with his brother Akbar Jan left his home and reached to his fields/forest where he saw that the respondents are cutting trees through electric saw, that numerous trees has been cut by the respondents out of which some were laying there while some trees were

removed from the spot by respondent No. 3, that the respondent No. 1 was armed with rifle who on seeing them aimed his rifle on them and asked them to leave the place by extending threats to them, that the petitioner were empty handed therefore they could do nothing, that the respondents has interfered in their property and cut down 300 trees by extending threats to them, that the respondents had also cut their trees previously and had sold it, that the petitioner reported the occurrence to the Police Station however the local Police failed to initiate legal proceeding against the respondents or registered FIR against them. 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.

Arguments of learned counsel for the petitioner heard, learned APP for the state assisted the court and available record perused.

The contents of application would transpire that the dispute between the parties is over the cutting of trees wherein the main contention of the petitioner is that the respondents have illegally cut trees from the property owned and possessed by him. From the available record it cannot be determined that the petitioner is either the owner or in possession of the disputed forest which can only be determined after recording of evidence. So far as threats are concerned, only criminal intimidation does not constitute any cognizable offence unless the threats are such to cause death or grieves hurt or to cause the destruction of any property by fire. The dispute as evident from the contents of the application is purely of civil nature and does not constitute the commission of any cognizable offence. The petitioner is required to knock the door of civil court for the redressal of

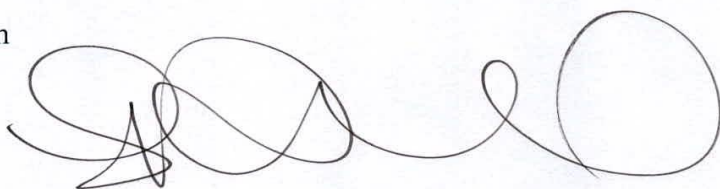
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his grievance if so advised. Civil matter could not be converted into criminal litigation by invoking the jurisdiction u/s 22-A Cr.P.C, therefore, in such circumstances the registration of criminal cases cannot be directed. Furthermore, as evident from the contents of application u/s 22-A Cr.P.C the respondents have executed bonds for keeping peace and good behavior, therefore the grievance of the petitioner that he apprehends threats from 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 issuing directions to the SHO for the registration of FIR against the respondents.

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 after necessary completion and compilation

**Announced**  
**04-09-2019**



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

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