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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 2020**

Naseeb Khan vs SHO

Date of Institution: 30/09/2020

Date of Decision: 09/10/2020

**ORDER**

**09.10.2020**

Mr. Abid Ali advocate counsel for petitioner present. Mr. Umar Niaz DPP for the state present. Comments/report of the SHO already received and placed on file.

The petitioner Naseeb Khan s/o Umar Khan r/o Tribe Mishti Tappa Darwy Khel Tehsil Central 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 namely Mehraban Khan s/o Umar Khan, Muhammad Zubair and Niaz Khan Ss/o Mehraban Khan, Muhammad Riaz, Noor Nawaz and Muhammad Nawaz Ss/o Niaz Khan.

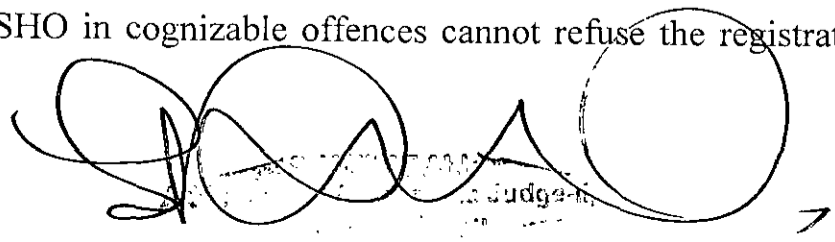
The petitioner contended in his application that his daughter Mst: Waheeda had been engaged to Faiz Ullah s/o Janas Khan one year ago, that now the respondents have restrained the marriage of Mst; Waheeda through Ghag from the last one year, that through the illegal act of the respondents by pronouncing Ghag the petitioner is facing problems and is unable to contract the marriage of his daughter, that the respondents are time and again teasing the petitioner, abusing and beating his children due to which his children cannot go to school, that in the absence of petitioner, the respondents also unlawfully confined the family members of the petitioner in their house, that the respondents also demolished the boundary wall of

  
SHAUKAT ALI  
Addl. District & Sessions Judge-II,  
Orakzai at Mangu

the house of petitioner and at night time respondents are throwing stones in the house of petitioner and had made the life of petitioner miserable. 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 and learned DPP for the state heard and record perused.

The custom of Ghag which is a social evil has ruined the life of many females in our society. Under the constitution of Islamic Republic of Pakistan the privacy of home is inviolable and it is the duty of the state to protect the marriage and family. The Islamic Sharia gives right to women to enter into a valid marriage with her free will and consent. The respondents have forcefully made a declaration that the petitioner shall not marry her daughter Mst; Waheeda to Faiz Ullah to whom she is already engaged from the last one year and threatening the petitioner who is the father of Mst; Waheeda to refrain from giving her hand in marriage to said Faiz Ullah s/o Janas Khan r/o Bezran. The contents of petition would show that the respondents are obstructing the marriage of the daughter of petitioner with the person namely Faiz Ullah and thus committed the offence of Ghag which is a cognizable offence under the Ghag Act. The comments submitted by the SHO also reflect that there is a dispute over the marriage of Mst; Waheeda between the petitioner and respondents who are relative inter se. The record shows that the petitioner also submitted application to the DPO and Assistant Commissioner District Orakzai for redressal of his grievance and registration of FIR against the respondents but his grievance could not be redressed. In all cases of cognizable offences the SHO being incharge of the police station is bound u/s 154 Cr.PC to register FIR against the respondents and the SHO in cognizable offences cannot refuse the registration of FIR.

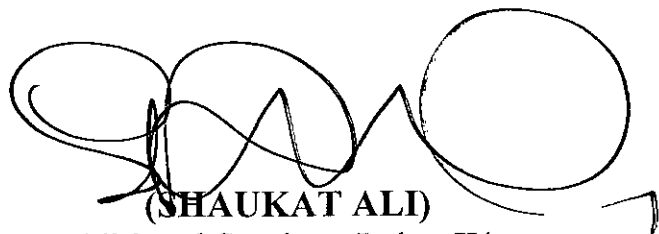
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The SHO failed to exercise his powers u/s 154 Cr.PC to register FIR in cognizable offence on the report of petitioner. The occurrence was also brought in the notice of DPO Orakzai through an application submitted by the petitioner but there the grievance of the petitioner was also not redressed, therefore in such circumstances the petitioner had no other option but to invoke the jurisdiction of this court u/s 22-A Cr.PC for registration of FIR against the respondents.

As sequel to the above discussion the instant petition u/s 22-A Cr.PC is accepted and the SHO PS Lower Orakzai is directed to register FIR against respondents namely Mehraban Khan s/o Umar Khan, Muhammad Zubair and Niaz Khan Ss/o Mehraban Khan, Muhammad Riaz, Noor Nawaz and Muhammad Nawaz Ss/o Niaz Khan R/o village Bezran Tappa Derwy Khel, Tribe Mishti forth with without any further delay. The copy of this order along with petition u/s 22-A Cr, PC be sent to the SHO PS concerned for compliance. The copy of FIR be sent to this court.

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

**Announced**  
**09-10-2020**



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