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

Cr. miscellaneous application No.06 Of 2020

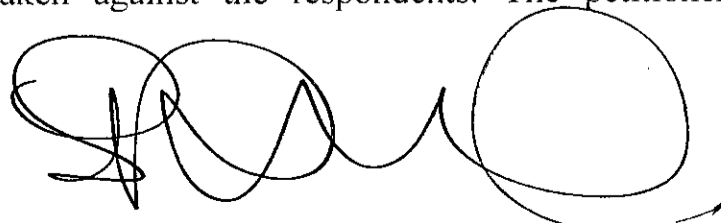
Mashi Khel vs SHO

ORDER
17.11.2020

Mr. Sanna Ullah advocate counsel for petitioner present. Mr. Javid Iqbal Anwar Sr.PP for the state present. Comments/report of the SHO already received and placed on file.

The petitioner Mashi Khel s/o Jannat Gul r/o Tribe Stori Khel Khwa Dara Tehsil Lower District Orakzai seeks to invoke the jurisdiction of this Court u/s 22-A Cr. PC for issuing directions to respondent No. 1 for registration of FIR against respondents No 2 to 5.

The petitioner contended in his application that he is the resident of District Orakzai and runs blocks factory, that on 17-10-2020 at about 10:00 AM he was busy along with Muhammad Umar, Ameer Gul and Haji Gul and preparing cement blocks at his work place situated at village Tarho Sam, that the respondents No. 2 to 5 came there among whom respondent No. 3 was armed with pistol whereas the remaining respondents were armed with sticks and they restrained us from our work forcefully, that they started quarrel with us by beating us and in the meanwhile respondent No. 3 fired upon us with his pistol whereas the remaining respondents started beating us with stones and sticks as a result of which Haji Gul got injured on his right arm, that the respondents also demolished the blocks and extended threats to us, that the petitioner submitted application to DPO District Orakzai but no action was taken against the respondents. The petitioner invoked the



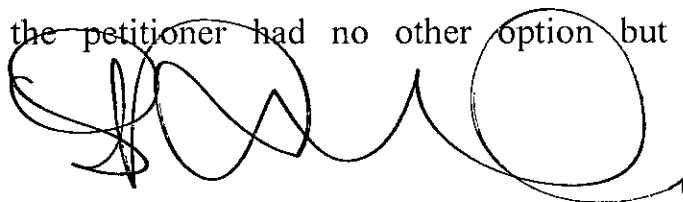
SHAUKAT ALI
Addl: District & Sessions Judge-II,
Orakzai at Hangu

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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 Sr.PP for the state heard and record perused.

The petitioner alleged in his application that the respondents entered upon his place of work where he runs blocks factory and forcibly stopped the work there by extending life threats to the petitioner and the persons working with him. Furthermore, the petitioner also alleged that respondent No. 3 fired on the petitioner with his pistol whereas the other respondents beaten them with sticks and by throwing stones on them as a result of which one Haji Gul s/o Jannat Gul got injured. The respondents are also charged for demolishing the cement blocks prepared by the petitioner at his place of work. The contents of petition submitted by the petitioner u/s 22-A Cr.PC clearly shows the commissions of cognizable offences. The petitioner reported the occurrence to respondent No.1/SHO PS concerned and also submitted application to the DPO Orakzai but no action was taken against the respondents by registering an FIR against them. It is well settled law that in all cognizable offences the SHO being incharge of the police station is bound u/s 154 Cr.PC to register FIR against the respondents when the SHO receives information in respect of the commission of cognizable offence and in such cases he cannot refuse the registration of FIR. 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 the grievance of the petitioner was also not redressed, therefore in such circumstances the petitioner had no other option but to invoke the



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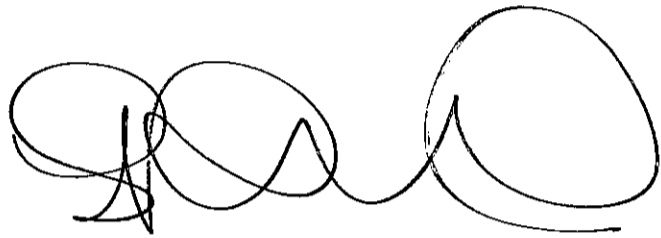
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jurisdiction of this court u/s 22-A Cr.PC for registration of FIR against the respondents.

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 No. 2 to 5 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 and the copy of FIR be submitted to this court.

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

Announced
17-11-2020



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