

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

**Cr. miscellaneous application No.04/6 Of 2021**

Syed Aftab Ali Shah vs SHO

**ORDER**  
**06.04.2021**

Mr. Jabir Hussain advocate counsel for petitioner present. Mr. Amir shah APP for the state present. Comments/report of the SHO received and placed on file.

The petitioner Syed Aftab Ali Shah s/o Syed Alam Shah r/o Syedan Kalaya Tehsil Lower 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 Amin Askar and Ahmed Amin Askar r/o Dabori District Orakzai for the abduction of his cousin Hassan Mehmood s/o Syed Hassan Shah. The comments of SHO PS Lower Orakzai were sought who submitted his comments.

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

The petitioner reported to the police regarding the abduction of his cousin and his report was reduce vide DD No.4 Dated 19.03.2021, however no proper FIR was register on the report of the complaint despite the fact that the offense reported by the complainant was a cognizable offense. The comments submitted by the SHO shows that the local police initiated inquiry after the registration of DD No.4 ibid ignoring the law on the subject that in cognizable offenses first the FIR


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

shall be register followed by investigation. It is after the registration of FIR to investigate the case and to dig out the guilt or innocence of accused. The SHO PS lower Orakzai could not exercise his powers to register FIR regarding the offense of abduction which is a cognizable offence, 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. Whether the report is true or false may be ascertained after investigation and if during investigation the report of the complainant was found false then in such circumstances the investigation officer or the SHO concerned may proceed u/s 182 PPC against the complainant, however in cognizable offenses the registration of FIR is the duty of Incharge Police station u/s 154 Cr.P.C.

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 and 3 forthwith 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  
06-04-2021

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