

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

Cr. miscellaneous application No.05/6 Of 2021

Jahangir Khan vs SHO

ORDER
09.04.2021

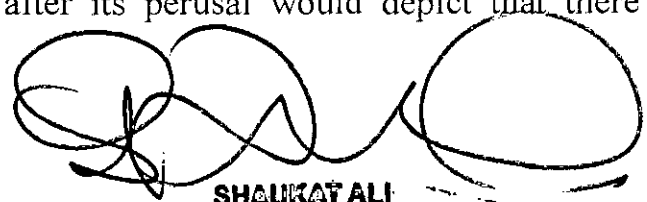
Mr. Insaf Ali advocate counsel for petitioner present. Mr. Amir Shah APP for the state present. Comments/report of the SHO received and placed on file.

The petitioner Jahangir Khan s/o Misri Khan r/o Tribe Madra Khel 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 No.2 to 10.

The contention of the petitioner in his application is that the respondents on 25-03-2021 at morning time came duly armed to the School situated at Mandra Khel Orakzai where the petitioner is working as Water Carrier and forcibly stopped the construction work of School, that the respondents have also instituted Civil suits against the petitioners and the application for temporary injunction was submitted by the respondents was dismissed and now the respondents took the law in their own hands, that the petitioner submitted application to DPO Orakzai however neither any action was taken on the said application nor FIR was registered against the respondents, hence the instant petition u/s 22-A Cr.PC was preferred.

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

The contents of instant application and comments submitted by the SHO after its perusal would depict that there is Civil dispute



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

pending between the parties in Civil court at Orakzai. The petitioner shall not be allowed to convert civil litigation into criminal cases and if the respondents have violated any court order the petitioner may approach to that court where their dispute is pending. The petitioner alleged in the instant application that the respondents came duly armed and stopped the construction work, however the contents of application do not constitute a cognizable offense to register FIR against the respondents. The petitioner has the appropriate remedy to file complaint against the respondents before the court of competent jurisdiction where his grievance may be adequately redressed. The petitioner could not make out a case for issuance of directions to the respondent No.1 for the registration of FIR.

In view of the above discussion the instant petition u/s 22-A Cr.PC is rejected.

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

Announced
09-04-2021



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