

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

Cr. miscellaneous application No.06/6 Of 2021

Muhammad Murtaza vs SHO

ORDER
12.04.2021

Mr. Abid 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 Muhammad Murtaza s/o Muhammad Jan r/o Casted Utman Khel Tappa Fateh Khan Khel Tehsil Lower District Orakzai submitted the instant petition u/s 22-A Cr.PC for registration of FIR against respondent No.2. The comments of SHO PS Lower Orakzai were sought who submitted his comments.

The petitioner in his application has averred that on 31-03-2021 at 09:00 hours, he along with his nephew Jamshid had gone for cultivation of his fields situated at village Karghan which is his ownership, that in the meanwhile the respondent No.2 came there duly armed with Kalashnikov and extended threats to the petitioner by aiming the fire arm weapon on him, that the respondent also abused them and forcibly stopped work of the petitioner, that the petitioner was pulled out from his fields and threatened him for dire consequences, that the occurrence was witnesses by Jamshid, that on the same day application was submitted to the SHO for necessary action against the respondent but no action was taken, therefore the


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

petitioner moved the instant petition u/s 22-A Cr.PC for registration of FIR against the respondent No.2.

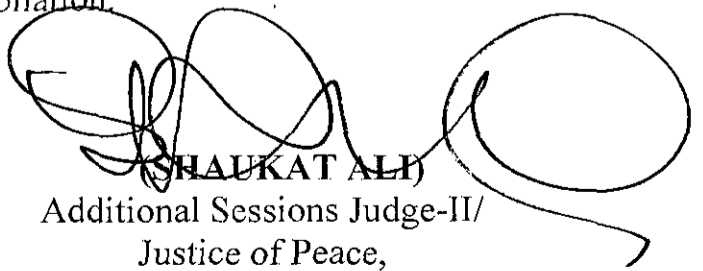
Arguments of learned counsel for the petitioner and learned APP for the state heard and record perused.

The record shows that there is a disputed between the parties on the ownership of the disputed land situated at village Karghan and both the parties claim to be the owner of the said property. The petitioner alleged in the instant application that the respondents came duly armed and stopped the work in his fields by aiming weapon on them and abusing them, however the contents of application do not constitute a cognizable offense to register FIR against the respondents. The SHO submitted in the comments that both the parties has been bound down u/s 107/151 Cr.PC to maintain peace. Besides the petitioner has the appropriate remedy to file complaint against the respondent 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.

As sequel to 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
12-04-2021


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