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

Cr. Miscellaneous Application No.11/6 Of 2021

Irfan Ullah vs SHO etc

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 5	15/06/2021	<p>Petitioner Irfan Ullah through his father Yar Rehman and Mr. Amir Shah APP for the State are in attendance. Arguments have already been heard; whereas, this is the disposal of petition submitted under Section 22-A of the Code of Criminal Procedure, 1898.</p> <p>2. Petitioner Irfan Ullah son of Yar Rehman resident of Malak Din Khel of District Khyber, serving in Frontier Constabulary, was on way to village Indra District Orakzai for visiting house of his relatives. For the purpose of transportation, vehicle bearing Registration No. BC-2586 Peshawar, which was being driven by Dilawar Khan (Respondent No.1), has been used by the petitioner. On way to destination, petitioner was allegedly confined by the driver Dilawar Khan and demanded an amount of Rupees one lac and fifty thousand (Rs. 150,000/-). The vehicle was moving towards unknown place for fulfillment of demand. Meanwhile, petitioner managed to escape from the custody of respondent No.1. Later on, respondents No. 1,2 and 3 by joining hands with Police personnel (respondents No. 4 to 6) opened fire on petitioner and lodged FIR bearing No. 42 dated: 29/03/2021 under Sections 450-452-223 and 225 of Pakistan Penal Code, 1860. Petitioner approached District Police Officer for registration of FIR against all of the respondents but in vain; therefore, presented instant</p>

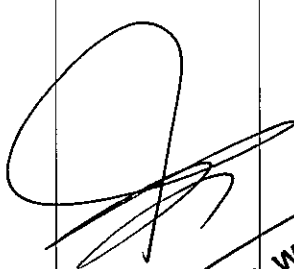

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application for registration of Criminal Case which is under consideration.

3. Comments of Station House Officer of Police Station Kalaya, Orakzai have been received and learned counsel for petitioner as well as APP for State have been heard at length.

4. Bare reading of the contents of application speaks that the story is incomplete as how the petitioner selected boarding in the vehicle of petitioner and how he escaped from the custody of respondents; all not appealing to prudent mind. Similarly, it is incident allegedly happened on 29th of March, 2021, whereas the petitioner moved the Court for bringing Criminal Law into motion with delay of months that confirms the mala fide on part of petitioner. The medical evidence annexed with the petition is not supporting fire arm injury and seems to be routine medical checkup. The registration of FIR bearing No. 42 dated: 29/03/2021 against the petitioner by complainant is another ground that may be attracted for holding presentation of application as counter blast. It is settled notion of the Law that Court is not supposed to shut his eyes from other aspects of the case and to pass order for registration of case on a false report of any complainant. Mala fide of the complainant is floating on the record and exercise of power under Section of 22-A of the Code of Criminal Procedure of 1898 would be an exercise in aid of injustice which is strictly forbidden.

5. For what has been discussed above, the petitioner



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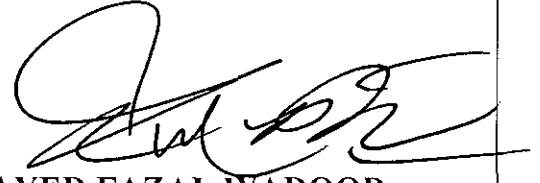
11/6/2021

(7)

has failed to disclose information regarding cognizable offence; therefore, application stands dismissed. File be consigned to District Record Room after necessary completion and compilation within span allowed for.

Announced in open Court

15-06-2021



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Additional Sessions Judge/JSC
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