

4

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

Cr. Miscellaneous Application No.13/6 Of 2021

Israj Bibi etc. 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	09/08/2021	<p>Mr. Jabir Hussain Advocate represented petitioners; whereas, Mr. Amir Shah APP for the State is in attendance.</p> <p>2. Comments in shape of report of SHO Police Station Mishti Mela received and arguments heard; whereas, this is the disposal of petition under Section 22-A of the Code of Criminal Procedure 1898; presented by, Mst Israj Bibi and Maryam Bibi both daughters of Qadar Khan resident of Darvi Khel Shalzara Orakzai.</p> <p>3. Contents of pending petition narrates the story as such that the petitioner No.1 Mst Israj Bibi has been tied in a social contract of Nikah with one Shahid son of Shaheen Gul as per Sheriat-e-Muhammadi. Respondent No.2 to 5 belonging from the same tribe of the petitioner have restrained both the petitioners from entering into Nikah with anybody and thus reported against in the Police Station. The petitioners and contested respondents had reached to a written compromise in Police Station with mutual free consent not to tease each other in matters pertaining to Nikah of the petitioners; but, the respondents detracted from the affidavits so finalized in Police Station and again restricted the Nikah proceedings of petitioner No.1 as well as anticipatory pronouncement of restraining Nikah of the petitioner No.2. The matter was again dragged</p>


SAYED FAZAL WADOOD
Adtl. District & Sessions Judge
Orakzai at Hangu

8

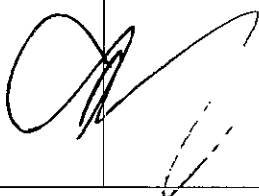
to the Police for lodging FIR but was responded in negative which necessitated presentation of instant application under Section 22-A of the Code of Criminal Procedure 1898.

4. Comments of the SHO of Police Station Mishti Mela were asked for and consequently, Report dated 18-07-2021 is submitted along with necessary documents annexed thereto.

5. Learned counsel for petitioners and APP for State rendered professional assistance of the Court by way of advancing arguments and file has been perused.

6. The contents of petition reflect that the petitioners have wrongfully been restricted by the respondents No.2 to 5 from entering into valid Nikah. This contention has fully been supported in the Report of SHO dated 18-07-2021. The documents annexed with the comments further substantiate the plea of Ghag raised by the petitioners. From accumulation of these facts, it is established on the face of it that a cognizable offence has been committed by the respondents No.2 to 5 and respondent No.1 being SHO of the Police Station was legally bound to register FIR in line with Section-154 of the Code of Criminal Procedure 1898. When he omits to do, this Court is single available option to issue direction for bringing criminal law into motion against respondents.

7. For what has been discussed above, petition under Section 22-A of the Code of Criminal Procedure 1898 is accepted. The SHO of Police Station Mishti Mela is directed to register FIR against the respondents No.2 to 5



forthwith. The copy of this Order along with the copy of petition under adjudication be sent to quarter concerned for compliance within no time and copy of the FIR so registered shall be sent to the Court as well.

8. File be consigned to District Record Room after necessary completion and compilation within span allowed for.

Announced in open Court

09-08-2021



Sayed Fazal Wadood,
AD&SJ/JSC, Orakzai at Baber Mela