

22

IN THE COURT OF SHAUKAT AHMAD KHAN
SESSIONS JUDGE/JUSTICE OF PEACE, ORAKZAI
(AT BABER MELA)

22-A CASE NO. : 11/4 OF 2023
DATE OF INSTITUTION : 05.10.2023
DATE OF DECISION : 25.10.2023

ISLAM GUL S/O KHIAL BADSHAH, R/O CASTE ALI KHEL,
TAPA SHER KHEL, KOT KALEY, TEHSIL UPPER, DISTRICT
ORAKZAI (PETITIONER)

-VERSUS-

1. STATE THROUGH SHO POLICE STATION GHILJO, TEHSIL
UPPER, DISTRICT ORAKZAI
2. ZEENA GUL S/O SHEERIN GUL
3. WARIS KHAN S/O ZEENA GUL
4. MINAT KHAN S/O AMEER
R/O DEESAM KALEY, PRESENTLY RESIDING AT KOTKI
HANGU
5. KHAMEEN AKBAR S/O SHALOBAR, R/O BADAMA KALEY
CHAPPAR ALI KHEL
6. NASIR KHAN S/O QASIM KHAN, R/O GHOTAK ALI KHEL
7. JALAL KHAN S/O REHMAT GUL, R/O SPARKAYE KALEY ALI
KHEL
8. NAIMAT KHAN S/O HABIB ULLAH, R/O CHEEKHO KALEY ALI
KHEL
9. SAMEEN BADSHAH S/O ALIM BADSHAH, R/O CHEEKHO
KALEY ALI KHEL
10. MEENA DIN S/O SAHIB DIN, CHEEKHO KALEY ALI KHEL,
TEHSIL UPPER, DISTRICT ORAKZAI (RESPONDENTS)

Present: Abid Ali Advocate for petitioner
: Zahoor Ur Rehman Advocate for respondents no. 2 to 10.

U/S: 22-A Cr.P.C.

ORDER
25.10.2023

The above-named petitioner seeks registration of FIR against respondents no. 2 to 10 for the allegations that the petitioner, being a leaseholder, has constructed a room for his workers at Chappar Nawey Kaley Dand where different articles had been stored and that on 03.09.2023 at about 1100 hours respondents no. 2 to 10 have broken the lock of the room, trespassed it and stolen 02 AGS batteries, 02 solar panels and utensils besides demolishing the room.

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
25/10/23

The petitioners prior to the instant petition had approached the SHO concerned and DPO but of no use. Hence, the petition in hand.


SHO/respondent no. 1 was asked to submit his comments and remaining respondents were issued notice. The SHO accordingly furnished his comments. Respondents no. 2 to 10 appeared through counsel.

(2). I heard arguments of the learned counsels for the parties and perused the record.

The law on the point is, that on report of the matter to police, the SHO concerned is bound to enter the substance of the matter on the roll of prescribed register and proceed with the matter u/s 155 or 156 CrPC in accordance with law. In the instant case, the substance of the report of petitioner constitutes a cognizable offence; therefore, the SHO/respondent no. 1 was bound to proceed with the matter u/s 154 read with section 156 CrPC.

(3). Hence, in view of what is discussed above, petition in hand is accepted. SHO concerned is directed to register FIR as provided u/s 154 CrPC and to investigate the matter u/s 156 CrPC. Needless to mention that in case, the report of the petitioner was found false, he may be proceeded against in accordance with law. Copy of this order be sent to SHO concerned. Consign.

Pronounced
25.10.2023


SHAUKAT AHMAD KHAN
Sessions Judge/Justice of Peace,
Orakzai at Baber Mela

