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

Cr. Miscellaneous Application No.25/4 Of 2023

Jahanzeb Ali vs Syed Sagheer Syed 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. 8	06/11/2023	<p>Petitioner in person along with counsel and Mr. Amir Anjum DyPP 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 Jahanzeb Ali son of Gul Khan resident of Qaum Mani Khel, Tappa Ahmed Khel of District Orakzai contends that he is working as Physical Education Teacher (PET) in Government Middle School for boys Panzari; whereas, respondents No.2 to 4 are also working as teachers in the same school. He being responsible for physical and mental health of the students is conducting Morning Assembly and other curricular activities. The Respondent No.1 with active connivance of Respondent No. 2 and 3 is managing colonies of honeybees in the premises of the school interrupting the conduct of morning assembly as well as other curricular activities. They have time and again been asked to refrain from such illegal activities and the matter has been brought into the notice of higher authority but of no use. The respondents had criminally intimidating him and bent upon to continue their illegal activities which necessitated presentation of instant application. Consequently, this Court is being moved with application to issue direction to the SHO of Police Station Kalaya (Respondent No.4) for lodging FIR against respondent No.1 to 4.</p> <p>3. Comments of Station House Officer of Police Station Kalaya, Orakzai have been received which is negating all the allegations of petitioner. It was added that the petitioner has some personal grudges with the respondents that had led him to drag the matter into Court. If at all, there is any issue sensed by the petitioner, he shall have approached the high</p>


SAYED FAZAL WADOOS
Addl. District & Sessions Judge
Orakzai at Hangu

ups of the Department for coping the issue.

4. To reach to the just conclusion of the matter, the comments of Executive District Officer Education (Male) Orakzai have also been called. It is in the comments that the allegation levelled by the petitioner have been inquired by independent inquiry committee which reports in negative against the petitioner.

5. Bare reading of the contents of application speaks that the story narrated therein is mere allegations; that too, of the general nature which can be levelled against any person. The mode and manner as well as date and time of the incident allegedly happened are either ambiguous or not specifically mentioned. The law prescribes that who seeks equity must do equity and when mala fide is sensed, discretion cannot be exercised in such eventuality. The alleged videos of the occurrence when opened in computer do not substantiate the contents of the application. The police as well the Education Department termed the contents of the petition as baseless; whereas, petitioner had not annexed convincing evidence to believe the story as narrated. 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. Similarly, neither record nor learned counsel for petitioner could have pointed out any facts of circumstances that may be inferred for constitution of cognizable offence.

6. For what has been discussed above, the petitioner has failed to disclose information regarding cognizable offence; therefore, application stands dismissed. File be consigned to District Record Room, Orakzai after necessary completion and compilation within span allowed for

Announced in open Court

06-11-2023


SAYED FAZAL WADOOD
Additional Sessions Judge/Ex-
officio JoP