

Order...03

14.11.2023

Present:

Petitioner in person along with counsel.

Respondent through Senior Public Prosecutor.

Today the case was fixed for arguments on the instant petition.

Counsel for the petitioner and Sr.PP argued the instant petition.

File to come up for order on the instant petition on **21.11.2023**.

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Parties present. Arguments on point of maintainability of the contempt of court petition already heard and record perused.

Brief facts of the instant petition are that the present petitioners are defendants in a civil suit titled "Rafiq Khan Vs Walayat Shah and others" and an application for grant of temporary injunction was dismissed by this court Vide Order Dated 20.10.2023. That the petitioners were working in their field as there were no stay on the same, the respondents i.e. SHO PS Dabori stopped the petitioners from plowing their field and called the respondents to the PS and kept them in illegally confinement.

Petitioners have contended that respondent has violated order dated: 20.10.2023 passed by this court by illegally restraining the petitioners from working/ plowing the disputed field in their possession and by keeping them in illegal confinement.

Respondent appeared in person before the court and submitted reply of the instant petition. In his reply he stated that on the day when the petitioners were plowing their field, there were apprehension of breach of peace between the parties and both the parties were called to the PS and

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Razeem Shah Vs SHO, PS Dabori

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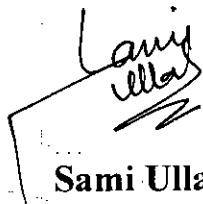
were charged in 107/151 Cr.P.C and were presented before the court concerned.

Keeping in view the pleadings and available record on file that the instant petition is not maintainable and no further evidence is required in the same for the reasons mentioned hereinafter.

There is nothing on record which could show that respondent has violated the court order. Furthermore, the respondent has charged both the parties in 107/151 Cr.P.C for preventing breach of peace. Petitioners failed to establish that respondent have violated injunctive order of the court, resultantly, petition in hand stands **Dismissed**. No order as to cost.

File be consigned to record room after necessary completion and compilation.

Announced
21.11.2023


Sami Ullah
Judicial magistrate-I
Orakzai at Baber Mela