

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

22-A CASE NO. : 40/4 OF 2021
DATE OF INSTITUTION : 10.09.2021
DATE OF DECISION : 18.09.2021

MST. REHMANA D/O FAZAL KHANAN ALIAS SAIF UR REMAN,
R/O CASTE SHEIKHAN, TAPA UMARZAI MASOOD PKHA, TEHSIL
CENTRAL, DISTRICT ORAKZAI

.....(PETITIONER)

-VERSUS-

1. STATE THROUGH SHO POLICE STATION MISHTI DISTRICT ORAKZAI
2. FAZAL JANAN S/O KHAN ZADA
3. ABDUL REHMAN S/O FAZAL JANAN
4. QEEMAT KHAN S/O FAZAL JANAN
ALL RESIDENTS OF CASTE SHEIKHAN, TAPA UMARZAI
MASOOD PKHA, TEHSIL CENTRAL, DISTRICT ORAKZAI


..... (RESPONDENT)

Present: Farid Ullah Shah Advocate for petitioner.
: Syed Aamir Shah, APP for the state.

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


ORDER
18.09.2021

Petitioner Mst. Rehmana seeks registration of FIR against the respondents 2 to 4 namely, Fazal Janan, Abdul Rehman and Qeemat Khan for the allegations that on 06.09.2021 at Asar time, her son Hazrat Ullah while on his way to Madrasah was attempted to be kidnapped by the respondents no. 2 to 4 who were duly armed, forcefully put him in a vehicle but on hue and cry of her son, his other fellow students and of the petitioner, the respondents made firing towards her but she luckily escaped but caused damage to the walls and windows of the house; however, she succeeded to rescue her son. That the petitioner approached the SHO concerned but of no use. Hence, the petition in hand.


18/09/21

- (2). Comments of the concerned SHO were called, who accordingly submitted his report wherein he has admitted that the petitioner has reported the matter to police vide daily diary no. 13 of 07.09.2021 and that the matter is under inquiry.
- (3). As per contents of petition, the report of the petitioner constitutes cognizable offence; therefore, as per law on the point 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 u/s 154 Cr.P.C and proceed to investigate the matter u/s 156 Cr.P.C. Any inquiry prior to the registration of FIR is neither the mandate of law nor it has got any value in the eyes of law.
- (4). Hence, in view of what is discussed above, petition in hand is accepted. SHO concerned is directed to register the FIR. Needless to mention that, in case the report of the petitioner was found false, she may be proceeded against in accordance with law. Copy of this order be sent to SHO concerned. Consign.


Pronounced
18.09.2021


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

CERTIFICATE

Certified that this judgment consists of two (02) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 18.09.2021


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