

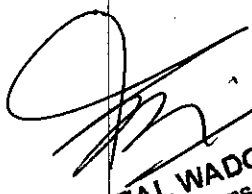
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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE/EX-OFFICIO JUSTICE OF
PEACE ORAKZAI, AT BABAR MELA**

Cr. Miscellaneous Application No.1/4 Of 2021

Gul Ajab Khan 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. 5	08/10/2021	<p>Petitioner in person and Mr. Amir Shah APP 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 Gul Ajab Khan son of Noor Muhammad resident of Zarra Mela Jarma Kohat, contends that private respondents No.4 to 6 are using undue influence and bribe official respondent No.3 (Bakht Munir Inspector Police) for harassing the petitioner who has having some civil and criminal investigations and cases pending in different forums. Respondent No.1 (District Police Officer) was approached through application but was of no use due to the influence of respondent No.2 (SHO) that has already been won by the private respondents (4 to 6). Consequently, this Court was moved with application to issue direction to the District Police Officer (Respondent No.1) for asking SHO of Police Station Mishti Mela (respondent No.2) to lodge FIR against respondent No.3 (inspector Bakht Munir) and private respondents (4 to 6).</p> <p>3. Comments of Station House Officer of Police Station Mishti Mela, Orakzai have been received and learned counsel for petitioner as well as APP for State have been heard at length.</p> <p>4. 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 that has apparently been designed to build pressure for getting ultimate favor in pending investigation and cases. The law prescribes that who seeks</p>

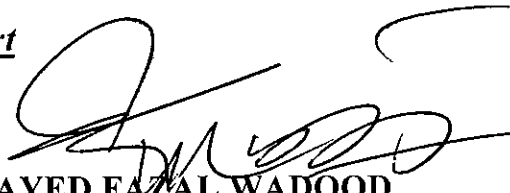

SAYED FAZAL WADOOD
Addl: District & Sessions Judge
Orakzai at Hangu

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equity must do equity and when mala fide is sensed, discretion cannot be exercised in such eventuality. Recommending accused for discharge in FIR bearing No. 11 dated: 05/06/2021 under sections 506/504/447/147/149 of the Pakistan Penal Code, 1860 by respondent No.3 (inspector Bakht Munir); where present petitioner was complainant, is another ground that may be attracted for holding presentation of instant application as counter blast. 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.

5. 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
08-10-2021


SAYED FAZAL WADOOD
Additional Sessions Judge/Ex-officio JoP
Orakzai at Baber Mela