## IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUSTICE OF PEACE ORAKZAI, AT BABAR MELA

## Cr. Miscellaneous Application No.4/4 Of 2021

Muhammad Ibrar vs SHO etc

order proceedingsMagistrate and that of parties or counsel where necessary123Order No.526/10/2021Petitioner Muhammad Ibrar through counsel 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, 1898.2.Muhammad Ibrar son of Abdul Wahid resident of Mishti, Tappa Haider Khel, Post Office Raisan Chappar Mishti Central Orakzai reported the incident of theft in his dwelling house against Afzal Khan, Muhammad Akbar, Wali Ullah, Bakhtiyar Akbar, Shakir and Zahid Ullah of Qaum Mishti. The report was reduced into writing in shape	Muhammad Ibrar vs SHO etc		
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contention of Police is that the matter was probed and no one was available to testify the occurrence that led local police to file the inquiry without further proceeding and termed it as unverified. Admittedly, allegations of theft and destruction of variable property constituted commission of cognizable offense calling for registration of FIR by the Police. In case of failure on part of Police to perform its duty, this Court is empowered to issue appropriate directions to the Police on complaint regarding nonregistration of Criminal Case. Resolution of factual controversies falls within the ambit of investigation but the same cannot be based for non-registration of case.

5. For what has been discussed above, the petition stands allowed. Consequently, SHO of Police Station Kurez Boya is directed to register report of the petitioner under the relevant provision of law against respondents mentioned above and to proceed further in accordance with law. File be consigned to District Record Room after necessary completion and compilation within span allowed for.

Announced in open Court 26-10-2021

Sayed Fazal Wadood, AD&SJ, Orakzai at Baber Mela