

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

22-A CASE NO. : 46/4 OF 2021  
 DATE OF INSTITUTION : 18.10.2021  
 DATE OF DECISION : 18.11.2021

1. HADI ZAMAN S/O MUHAMMAD AFZAL
  2. IHSAN ULLAH S/O MUHAMMAD AFZAL
  3. FAYYAZ ULLAH S/O HADI ZAMAN
- ALL RESIDENTS OF AKHEL, TAPA HASSAN KHEL, GHILJO  
 ORAKZAI
- .....(PETITIONERS)

-VERSUS-

1. STATE THROUGH SHO POLICE STATION GHILJO, DISTRICT  
 ORAKZAI
  2. DR. MUHIB NASIR, GHILJO HOSPITAL UPPER ORAKZAI
  3. DR. JAMSHID, MS, GHILJO HOSPITAL UPPER ORAKZAI
  4. DISTRICT POLICE OFFICER
  5. ASSISTANT COMMISSIONER, UPPER ORAKZAI
- .....(RESPONDENTS)

**Present:** Syed Mudassir Peerzada Advocate for petitioners.

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

**ORDER**

18.11.2021

The above-named petitioners seek registration of FIR against the respondents 1 to 3 namely, Dr. Muhib Nasir, Dr. Jamshid and SHO Saleem Khan for the allegations that on 1.08.2021 Muhammad Yasin made a report to the police against the present petitioners for causing injuries to him which was scribed vide daily diary dated 21.08.2021 and injured Muhammad Yasin was referred to hospital for medical examination and opinion vide injury sheet of the same date. The respondent no. 1, Dr. Muhib Nasir examined the injured and prepared MLC with nature of injuries as

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“simple”; however, on 10.09.2021 another MLC was prepared with nature of injuries as “grievous”. Respondent no. 2 submitted both the MLCs to the DPP and solicited his opinion. The DPP returned both the MLCs to the police with the directions to inquire the matter regarding two different MLCs on the basis of which the matter was inquired by respondent no. 2, Dr. Jamshid Khan, MS THQ Ghiljo, wherein it was held that the injured later on had produced CT Scan from Khyber Teaching Hospital Peshawar and on the basis of which, the second MLC has been issued. The grievance of the petitioner is, that the respondents no. 1 and 2 with the connivance of injured complainant has fabricated false MLC and the respondent no. 3, SHO of the concerned PS by taking gratification from injured Muhammad Yasin, has manoeuvred to register FIR on the basis of second MLC with “grievous” nature of injuries. That the petitioners approached the respondent no. 4 for redressal of their grievance but in vain, hence the present petition.

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- (2). Comments of the concerned SHO were called, who accordingly submitted his report which is placed on file. I heard arguments and perused the available record.
- (3). Without touching the merits of the matter, the law on the point is that matter constituting a cognizable offence is whenever reported to a 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 but in the instant case the contents of petition do not constitute any cognizable offence rather it attracts the provisions of sections 166, 167 and section 193 PPC read with section 118 of the Police Act, 2017. Section 166 and 167 PPC are not cognizable while section 193 PPC is cognizable upon the complaint in writing of the Court in whose proceedings the alleged offence of fabricating false evidence has been committed. Similarly for the prosecution under section 118 of the Police Act, 2017, the sanction of DPO concerned is a prerequisite.

- (4). Hence, in view of what is discussed above, the petition in hand is turned down. Needless to mention that, the petitioner may approach the concerned forum for redressal of his grievance. Consign.

**Pronounced**  
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**CERTIFICATE**

Certified that this judgment consists of three (03) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 18.11.2021



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Sessions Judge/Justice of Peace,  
Orakzai at Baber Mela