

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

Cr. Miscellaneous Application No.7/4 Of 2022

Gulshan Ali 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-3	23/02/2022	<p>Mr. Sana Ullah Khan Advocate for petitioner and Mr. Javid Akhtar Wazir Sr.PP for the State are in attendance.</p> <p>2. Comments in shape of report of SHO Police Station Kalaya received and arguments heard; whereas, this is the disposal of petition under Section 22-A of the Code of Criminal Procedure 1898; presented by, Gulshan Ali son of Roshan Ali resident of Tappa Saboora Khel, Orakzai.</p> <p>3. Contents of pending petition narrates the story as such that petitioner is father of Mst Shazaran and paternal uncle of Mst Mastereen daughter of late Mir Shan Ali; both of the ladies have been restricted from marriage through traditional Ghag by respondents No. 2 to 8. Mst Khatam Naaz, Ashnaz and Misnaz being nieces of the petitioners have also been restricted from marriage by the said respondents through the medium of Ghag. Similarly, Mst Mamida Jan daughter of Tanwar Ali, the daughter of his nephew has also been treated with Ghag by respondents. The respondent No.1 being SHO of Police Station Kalaya has not acted to bring criminal law into motion against the respondents No.2 to 8 despite the written application that has been annexed to the petition under adjudication; therefore, the negative response necessitated presentation of instant application under Section 22-A of the Code of Criminal Procedure 1898.</p> <p>4. Comments of the SHO of Police Station Kalaya were asked for and consequently, Report dated 22-02-2022 is</p>

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

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submitted along with necessary documents annexed thereto.

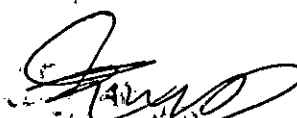
5. Learned counsel for petitioners and DyPP for State rendered professional assistance of the Court by way of advancing arguments and file has been perused.

6. The contents of petition reflect that the above named have wrongfully been restricted by the respondents No.2 to 8 from entering into valid Nikah. This contention has fully been supported in the Report of SHO dated 22-02-2022. The documents annexed with the comments further substantiate the plea of Ghag raised by the petitioner. From accumulation of these facts, it is established on the face of it that a cognizable offence has been committed by the respondents No.2 to 8 and respondent No.1 being SHO of the Police Station was legally bound to register FIR in line with Section-154 of the Code of Criminal Procedure 1898. When he omits to do, this Court is single available option to issue direction for bringing criminal law into motion against respondents.

7. For what has been discussed above, petition under Section 22-A of the Code of Criminal Procedure 1898 is accepted. The SHO of Police Station Kalaya is directed to register FIR against the respondents No.2 to 8 forthwith. The copy of this Order along with the copy of petition under adjudication be sent to quarter concerned for compliance within no time and copy of the FIR so registered shall be sent to the Court as well.

8. File be consigned to District Record Room after necessary completion and compilation within span allowed for.

Announced in open Court
23-02-2022


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