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IN THE COURT OF **ABDUL BASIT**
ADDITIONAL SESSIONS JUDGE-II, ORAKZAI

Petition no. 02/04 of 2024

Order---02

Petitioner along with counsel and Dy.PP for the State present.


29.01.2024

Respondent no. 2 in persons present and submitted wakalatnama in favor of Sanullah, advocate. Respondent # 2 has gone to school.

Arguments heard and record perused.

Muhammad Bilal s/o Gul Akbar resident of Quom Mishti Tappa Haider Khel Tehsil & District Orakzai, the petitioner, has filed instant petition u/s 22-A CrPC for issuance of direction to the SHO, Mishti Khel Police Station, Orakzai, respondent no. 1, to register a criminal case against Rehmanullah & Azeemullah sons of Khan Akbar residents of Quom Mishti Tappa Haider Khel Tehsil Lower, District Orakzai, respondents no. 2 & 3, under relevant provisions of law.

Brief facts of the instant petition are that petitioner and his family has dispute over ancestral property with respondents no. 2 & 3; that he and respondents no. 2 & 3 are relatives and recorded owners in possession of their shares, however, during construction of mosque, respondents no. 2 & 3 have restrained him and his brothers from raising constructions and spelt abuses; that a jirga was also held between them but it was ended with scuffle due to which he received injuries from blows of respondent no. 3 and jirga member Habib Khan received injuries from blows of respondent no. 2; that respondents no. 2 & 3 fled away from the spot and on 25.07.2023, they had lodged a report in the police station; however, the local police failed to chalk out an FIR against respondents no. 2 & 3 despite commission of cognizable offence; that respondent no. 2 has also lodged a false cross report against them, hence, petitioner has prayed to direct the SHO to register FIR against alleged respondents no. 2 & 3 named in petition.


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Orakzai at Baher Mela,
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On receipt of petition, the comments were sought from police. The comments received, according to which the reports of parties were reduced into daily diaries no. 8 & 9 on 25.07.2023 but same were not found true; therefore, prayed that the instant petition may be dismissed.

The scope for disposal of petition under section 22-A CrPC as per law and verdicts of august Supreme Court of Pakistan is very much restricted and being ex-officio justice of peace, I have only to consider the factum that whether any cognizable offence has been committed or not. So in the backdrop of record available before the court and the comments submitted by local police show that complainant has alleged the commission of assault, issuing abuses, causing injuries to him and jirga member by respondents no. 2 & 3, however, there is nothing on record to provide that complainant has received a single injury. Even, the comments of SHO further provide that as per medical reports of parties, no offence was made out.

So in view of my above discussion, it is held that it is just a complaint case and no cognizable offence is established to has been made out from the contents of petition against respondents no. 2 & 3; therefore, the petition in hands is hereby dismissed.

File consigned to record room after completion & compilation.



Announced
29.01.2024

(Abdul Basit)
Addl. Sessions Judge-II/Justice of Peace,
Orakzai