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

Cr. Miscellaneous Application No.30/4 Of 2022

Sai fur Rehman vs SHO Mishti Mela

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.2	13/12/2022	<p>Case file received from the Court of Hon'ble the District & Sessions Judge, Orakzai. It be registered.</p> <p>2. Comments of SHO Mishti Mela received and placed on file. Mr. Abid Ali Advocate and Mr. Zubair APP for State rendered professional assistance of the Court and file perused. This is aimed to dispose of petition submitted under Section 22-A of the Code of Criminal Procedure, 1898.</p> <p>3. Petitioner Saif-ur-Rehman son of Azram Khan, resident of Qaum Mishti, Tappa Darvi Khel, Mishti Mela village Zwan of District Orakzai reported the incident of clash between the parties followed by sustaining injuries. The report was reduced into writing in shape of Daily Diary bearing No.9 dated 4th March, 2022. Application was presented to Local Police with request of registration of FIR but was not acted that obliged petitioner to knock the door of Court in petition under Section 22-A of the Criminal Procedure Code 1898.</p> <p>4. Record available on file reflects that the incident reported by the present petitioner to local police has already been reflected in Daily Diary No.9 dated 04-03-2022. The cross version of this incident was also reduced into writing vide Naqalmad No. 10 dated 04-03-2022. The contention of Police is that the matter was probed and both the parties</p>

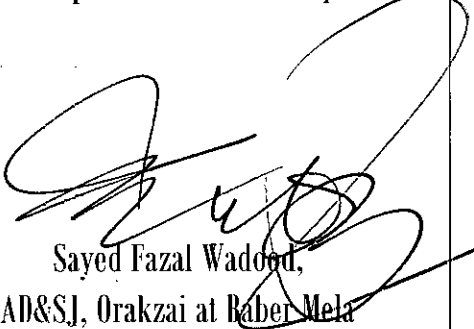

SAYED FAZAL WAJOOD
District & Sessions Judge
Orakzai at Hangu

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have been provided time to compromise. On lapse of sufficient time, the parties failed to patch up the matter and therefore proceeded under Section-107 of the Code of Criminal Procedure, 1898. Admittedly, allegations of clash followed by injuries which have medically assessed constitute 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 non-registration of Criminal Case. Resolution of controversies does not fall within the ambit of investigation and 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 Mishti Mela is directed to register report of the petitioner under the relevant provision of law 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
13-12-2022


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