

IN THE COURT OF SYED OBAIDULLAH SHAH,
SESSIONS JUDGE/JUSTICE OF PEACE, ORAKZAI
(AT BABER MELA)

22-A CASE NO. : 4/4 OF 2024
DATE OF INSTITUTION : 01.03.2024
DATE OF DECISION : 12.03.2024

HABIB HUSSAIN S/O MIR HASSAN, R/O CASTE MANI KHEL,
TAPA BADA KHEL, TEHSIL LOWER, DISTRICT ORAKZAI

.....(PETITIONER)

-VERSUS-

1. SHO POLICE STATION KUREZ
2. DSP MEHBOOB KHAN, TEHSIL LOWER, DISTRICT ORAKZAI
3. SAID SHARIF S/O SAID AKBAR
4. MUHAMMAD JASIM S/O SAID SHARIF
5. SPEEN BADSHAH S/O AMEEN JANAN
6. DAUD KHAN S/O MUHAMMAD FAROOQ
ALL R/O CASTE ALI KHEL, TEHSIL UPPER, DISTRICT ORAKZAI

.....(RESPONDENTS)

Present: Mr. Insaf Ali Advocate for petitioner
: DPP Umar Niaz for the State.

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

ORDER
12.03.2024

DPP, Umar Niaz for the State and Insaf Ali Advocate for petitioner present. Petitioner Habib Hussain not present. Respondent no. 1 Muhammad Younas SHO of Police Station Kurez, Respondents no. 2 DSP Mehboob Khan and respondents no. 4 and 6 present in person.

The above-named petitioner seeks registration of FIR against respondents no. 3 to 6 for the allegations that the petitioner along with Mir Azan Khan, Syed Ali Shah, Deedan Gul and Javid, is involved in a dispute over the B-10 and B-11 coal mines with respondents no. 3 to 6, for resolution of which, a Dispute Resolution Council (DRC) was established, and the respondents were deemed liable to pay the petitioner a sum of Rs. 2,400,000. It is also alleged that a cheque of Rs. 1,745,000 was given to him in presence of respondent no. 2

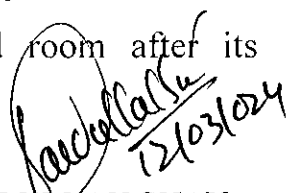

Syed Obaidullah Shah
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Orakzai at Baber Mela
12/03/24



but it was initially returned to the petitioner owing to absence of the signature of respondent no. 4, and upon resubmission, it bounced. The petitioner, for redressal of his grievance, approached respondent no. 1 but in vain; hence, the present petition.

- (2). Arguments heard and record gone through.
- (3). Upon reviewing the record, it is evident that the petitioner submitted application for registration of FIR alleging fraud committed by respondents no. 3 to 6 but the nature of this fraud is not clearly documented. Moreover, there is no documented evidence i.e., memorandum from the bank confirming the lack of funds in the account of respondent no. 4. It is further evident from the record that a dispute regarding the mines exists between the parties as they have approached the Dispute Resolution Council for settlement which led to the conclusion that the malicious intent to drag each other in false cases, cannot be ruled out. Above all, the contents of petition do not constitute any cognizable offence.
- (4). In these circumstances, the petition in hand is turned down. Needless to mention that, the petitioner may approach the concerned forum for redressal of his grievance. Order announced. File be consigned to record room after its necessary completion and compilation.

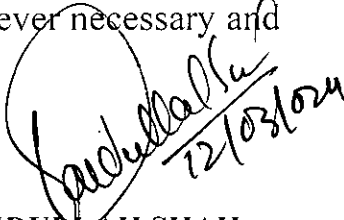
Dated: 12.03.2024


SYED OBAIDULLAH SHAH
Sessions Judge/Justice of Peace,
Orakzai at Baber Mela

CERTIFICATE

Certified that this order consists of two (02) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 12.03.2024


SYED OBAIDULLAH SHAH
Sessions Judge/Justice of Peace,
Orakzai at Baber Mela

