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

Order---05

Petitioner in person is present.

23.07.2024

Sr.PP for the State is present.

Respondent no. 3 is in attendance.

My order is aimed to decide petition filed by Essa Khan son of Khushal Gul caste Afridi resident of Wali Anai Bazar Zakh Khel Tehsil Landi Kotal District Khyber presently village Kharky Mola Khel tehsil Dabori District Orakzai, the petitioner, against The DSP Dabori Circle District Orakzai and two others, respondents no. 1-3, under section 22-A (6) of The Code of Criminal Procedure, 1898 to direct respondent no. 1 to lodge an FIR and take legal action against respondents no. 2 & 3 under the relevant provisions of law.

Petitioner alleged that he is law abiding citizen of Pakistan; that on 05.06.2024 at 12.30 pm, respondent no. 2 has illegally raided his house without search warrant and lady police constable and committed house trespass; that during said raid, respondent no. 2 has arrested his sons Shameedullah and Tahir, took them to police station and detained there illegally without any justification for more than eight hours at the instance of respondent no. 3; that thereafter, respondent no. 2 has released his sons with strict direction to vacate the house before 8<sup>th</sup> June 2024 else threatened his sons that in case the petitioner did not vacate the house, he would dispossess him from the house forcibly; that the dispute between petitioner and respondent no. 3 over the house is purely of civil nature and respondent no. 2 has no justification to intervene in the matter; that he has approached the respondent no. 1 for taking legal action against respondents no. 2 & 3 but of no avail; thus, he has prayed for registration of case against respondents no. 2 & 3 and proceed against them under the relevant provisions of law.

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23/07/2024*

**Abdul Basit**  
Addl: District & Sessions Judge-II  
Orakzai at Baber Mela,  
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IN THE COURT OF ABDUL BASIT,  
ADDITIONAL SESSION JUDGE-II, ORAKZAI

**Contd. 05**


23.07.2024

On receipt of complaint, comments were sought & respondents summoned. Comments received. Arguments heard & record perused.

Without dilating the merits of the complaint, it is held that section 66 of The Police Act, 2017, the Act, clearly provides about the Establishment of Regional Police Complaint Authorities, which says that the Government shall establish Regional Police Complaint Authorities on regional basis for enquiring into complaints of police excesses, other than relating to the investigations, against all police officials up to the rank of Assistant Superintendent of Police or Deputy Superintendent of Police. Likewise, section 67 of the Act explicitly provides composition of each Regional Police Complaint Authority, the authority, whereas, section 69 of the Act provides its functions, which empowers the authority to receive from any aggrieved person in writing on an affidavit or from the chief minister etc. complaint of police excesses and to process it in accordance with S. 70 of the Act. Since the allegations levelled by petitioner against respondent no. 2 amounts to the alleged excess committed by him and for this there is proper forum available to address the same. So far the matter of respondent no. 3 is related, there are no allegations about commission of any cognizable offence leveled by petitioner against him; therefore, petition being not maintainable is dismissed. Copy of this order is sent to DPO Orakzai with direction to take notice of high handedness of the local police and take proper action against the delinquent officials as per law.

File consigned to record room after completion & compilation.

**Announced**  
23.07.2024

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