

JUDGMENT SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No. 3357/2020

Chaudhary Yar Muhammad

Versus

Learned Justice of Peace, Islamabad

Petitioner by: Raja Khurram Ejaz Thakur, Advocate.

Respondents by: Mr. Usman Rasool Ghumman, AAG.
Mr. Habibullah Haroon, Advocate for
proposed accused.
Shaukat Nawaz, AD/FIA/CCC, Islamabad.

Date of Decision: 21.02.2024.

MOHSIN AKHTAR KAYANI, J: Through this writ petition, the petitioner has assailed the order dated 30.09.2020, passed learned Ex-Officio Justice of Peace, Islamabad, whereby application in terms of Section 22-A/B Cr.P.C. for registration of criminal case has been dismissed.

2. Learned counsel for the petitioner contends that petitioner filed complaint which was not considered despite the fact that cognizable offence has been made out where officials of SECP have committed fraud in the record of shareholders.

3. Conversely, learned AAG as well as learned counsel for the proposed accused have opposed the instant petition and contend that instant petition is not maintainable on the ground that petitioner earlier got lodged two separate FIRs which were cancelled after thorough probe and inquiry and as such this is third attempt; that

inquiry report submitted by the FIA is negating the allegations of petitioner; that learned Justice of Peace has rightly dismissed the application of petitioner with direction to avail alternate remedy under the law.

4. Arguments heard, record perused.

5. Perusal of record reveals that dispute revolves around the Directors of M/s Yusra Medical & Dental College (Pvt.) Ltd. Petitioner has filed an application to the FIA with the allegations that Chairman and Registrar of SECP have prepared forged documents, whereby FIA has conducted the inquiry in detail by highlighting each and every factor which reveals that there are two groups of Directors having dispute against each other in the management of company, whereby one group has been led by petitioner/complainant while the other group led by Brig (R) Muhammad Sultan Muzaffar. Writ Petition CO-09/2015 was also filed before this Court in terms of Section 290 of the Companies Ordinance, 1984 for mismanagement of company affairs, which is still pending as per the stance of petitioner, however, the issue in particular is with reference to settlement deed, which was the subject matter of FIR No.59/2016, U/S 420, 468, 471 PPC, PS Civil Line Rawalpindi against the CEO and his group alleging that the settlement deed was bogus but after investigation FIR was cancelled. However, petitioner did not stop there and again got lodge the FIR No.02/2017 against I.O along with Brig (R) Muhammad Sultan Muzaffar & others but the same was also settled

by way of discharge report dated 20.01.2017. All these aspects if considered in juxtaposition with the allegations, the officials of SECP are only record keepers and they have no role in allocating or transfer of shares of any private company. Similarly, Registrar has no legal jurisdiction to determine the rights of parties relating to the shareholders and Directors. In this backdrop, learned Justice of Peace, Islamabad has rightly passed the impugned order while considering each and every aspect, therefore, instant petition is *dismissed* with observation that petitioner may resort to alternate remedy under the law, if so advised.

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid