

**ORDER SHEET.**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

**Writ Petition No. 5209 of 2010**

Asghar Ali

VS

The S.H.O. Police Station FIA Crime Circle, etc

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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**25.11.2019.**

**Mr. Shahid Akbar Abbasi, Advocate for the petitioner.**  
**Raja Khalid Mehmood Khan, Deputy Attorney General.**  
**Ghazanfar, Inspector, FIA.**

This petition assails Order dated 05.05.2010, passed by learned Justice of Peace whereby the application under Section 22-A Cr.P.C. filed by the petitioner was dismissed.

2. At the very outset learned counsel for the petitioner was confronted, as to maintainability of the application under Section 22-A Cr.P.C against FIA; learned counsel for the petitioner fails to satisfy the Court in this behalf.

3. Arguments advanced by learned counsel for the parties have been heard and documents placed on record examined with their able assistance.

4. For sake of brevity, Section 22-A Cr.P.C. is reproduced below:

***22-A. Powers of Justices of the Peace: (1) A Justice on the peace for***

any local area shall, for the purpose of making an arrest, have within such area all the powers of a police officer referred to in section 54 and an officer in-charge of a police-station referred to in section 55.

(2) A Justice of the Peace making an arrest in exercise of any powers under subsection (1) shall, forthwith, take or cause to be taken the person arrested before the officer in-charge of the nearest police station and furnish such officer with a report as to the circumstances of the arrest and such officer shall thereupon re-arrest the person.

(3) A Justice of the Peace for any local area shall have powers, within such area, to call upon any member of the police force on duty to aid him:

(a) in taking or preventing the escape of any person who has participated in the commission of any cognizable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having so participated; and

(b) in the prevention of crime in general and, in particular, in the prevention of a breach of the peace or a disturbance of the public tranquillity.

(4) Where a member of the police force on duty has been called upon to render aid under sub-section (3), such call shall be deemed to have been made by a competent authority.

(5) A Justice of the Peace for any local area may, in accordance with such rules as may be made by the Provincial Government:

(a) issue a certificate as to the identity of any person residing within such area, or

(b) verify any document brought before him by any such person, or

(c) attest any such document required by or under any law for the time being in force to be attested by a Magistrate, and until the contrary is proved, any certificate so issued shall be presumed to be correct and any document so verified shall be deemed to be duly verified, and any document so attested shall be deemed to have been as fully attested as if he had been Magistrate.

[(6) An ex-officio justice of the Peace may issue appropriate direction to the

*police authorities concerned on a complaint regarding.*

*(i) non-registration of criminal cases;  
(ii) transfer of investigation from one police officer to another; and  
(iii) neglect, failure or excess committed by a police authority in relation to its functions and duties.”]*

*[Added by Ordinance No.CXXXI of 2002, dated 21-11-2002]*

5. The bare reading of the above provision shows that Sections 22-A and 22-B Cr.P.C. solely pertain to police and not any other agency including the FIA. Even otherwise the allegations leveled in the application and Writ Petition are vague and are in nature of fishing expedition against the officials/employees of Capital Development Authority.

6. For the above reasons, the instant petition is without merit and is accordingly dismissed.

**(AAMER FAROOQ)**  
**JUDGE**

AT JUNAID USMAN