

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

W.P. No.3439-2019

Muhammad Ibrahim Khan

Vs.

Worthy Ex-Officio Justice of the Peace/ Additional Sessions Judge (West),
Islamabad 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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13.01.2021

Mr. Sajjad Haider Malik, Advocate for petitioner.
Asif Raza, ASI for respondents.

The petitioner, in the instant petition, has challenged order dated 02.10.2019 passed by respondent No.1.

2. The petitioner made an application to the police authorities for registration of case however due to inaction on behalf of police authorities he moved an application under section 22-A Cr.P.C. to the learned Ex-Officio Justice of Peace, which has been dismissed vide the impugned order.

3. Learned counsel for the petitioner *inter alia* contended that bare perusal of the application of petitioner shows that a cognizable offence is made out; that the impugned order is not tenable in the facts and circumstances of the case.

4. On behalf of respondents, Asif Raza, ASI appeared in person and submitted that no offence is made out.

5. Arguments advanced have been heard and the documents, placed on record, examined with able assistance of learned counsel for the petitioner.

6. The background, leading to filing of instant petition, has been mentioned hereinabove.

7. Respondent No.1, while dismissing the application of the petitioner, has observed that he may file a private complaint against those concerned, however, no specific finding, as such, was recorded with respect to contents of application of the petitioner. In view of above, impugned order is not tenable hence merits setting aside.

8. For what has been stated above, instant petition is allowed; consequently, order dated 02.10.2019 is set aside. The petitioner shall approach respondent No.3, who shall entertain application of the petitioner and after recording his statement, is of the opinion that a cognizable offence is made out, shall act in accordance with law.

(AAMER FAROOQ)
JUDGE