

## **ORDER SHEET.**

### **IN THE ISLAMABAD HIGH COURT, ISLAMABAD.** **JUDICIAL DEPARTMENT.**

**W.P No.3604/2019.**

Rehana Kausar

Versus

SHO P.S Ramna, Islamabad etc.

<b>S. No. of order/ proceedings</b>	<b>Date of order/ Proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
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**01.**      18.10.2019      Hafiz Asif Ali Tamboli, Advocate for the petitioner.

Through the instant writ petition, the petitioner has prayed for registration of FIR against respondents No.2 & 3. The petitioner has also assailed the order dated 03.10.2019, passed by learned Ex-Officio Justice of Peace/Additional Sessions Judge-IX, Islamabad (West), whereby application filed by the petitioner for issuing direction for registration of FIR was dismissed.

2.    Learned counsel for the petitioner contends that the petitioner filed an application for registration of criminal case on the ground that respondents No.2 & 3 have committed criminal breach of trust by violating terms of the agreement agreed between the parties as one of the accused transferred the property agreed to be transferred in the name of petitioner to third person without complying with the terms of the agreement with the petitioner; that the application filed by the petitioner discloses commission of cognizable offence but learned Ex-Officio Justice of Peace has not considered the same as valid and rejected the application.

3.    I have heard learned counsel for the petitioner and perused the record.

4. Perusal of the record reveals that the petitioner filed an application for registration of criminal case against respondents No.2 & 3 on the basis of agreement dated 15.02.2018 regarding plot situated at Atar Fate Jhang in response to another plot and has also prayed that the respondent are not performing the terms of the contract by way of **تعمیل مختص** as reflected in the prayer clause of the application.

5. Learned counsel for the petitioner has been confronted regarding the details of breach of the terms of the agreement as well as to the effect that any other remedy has been exercised by the petitioner, whereby learned counsel for the petitioner has candidly conceded that two separate suits are pending before the Civil Court, even the order passed by learned Justice of Peace reflects that FIR No.451/2018, U/S 406 PPC, P.S Ramna, Islamabad has already been registered by the respondents side against the petitioner, therefore, the matter arising out of the entire proposition reveals that the parties are in litigation qua their civil disputes, even the respondents have lodged the FIR, in such situation learned Justice of Peace has rightly rejected the application for registration of FIR, even second FIR cannot be registered in the light of judgment of Apex Court reported as **PLD 2018 SC 595 (Mst. Sughran Bibi vs. The State).**

6. In view of the above reasons, the instant writ petition bears no merits, therefore, the same stands **dismissed in limine.**

(MOHSIN AKHTAR KAYANI)  
JUDGE