

Form No: HCJD/C-121.

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No. 2317 of 2020

Muhammad Ayaz Azeem

Vs

The State and 2 others

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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01) 26-08-2020. Mr Sher Afzal Khan Advocate, for the petitioner.

ATHAR MINALLAH, CJ.- Through this petition, the petitioner has assailed order, dated 17.08.2020, passed by the learned Additional Sessions Judge-VII, Islamabad-West whereby Criminal Revision Application No. 33/2020 was dismissed.

2. The facts, in brief, are that a criminal case i.e. FIR no. 74/2020, dated 12.03.2020, was registered at Police Station Secretariat, Islamabad [hereinafter referred to as the "**FIR**"]. The petitioner filed a revision petition i.e. Criminal Revision Application No. 33/2020, assailing a statement recorded by respondent no. 2. It is the case of the petitioner that he had not given any such statement nor respondent no. 2 was empowered to record a false statement.

3. The learned counsel for the petitioner has been heard at length. He has contended that respondent no. 2 was not competent to record statement under section 164 of the Code of Criminal Procedure, 1898. He has further argued that the statement is concocted because the petitioner did not record any such statement.

4. The learned counsel has been heard and the record perused with his able assistance.

5. It is an admitted position that a criminal case i.e. FIR has been registered and pursuant thereto proceedings are pending. The statement, its nature and relevance in the context of the criminal case are matters that fall within the ambit of investigations relating to the registration of the FIR. It is settled law that no court is empowered to interfere in matters relating to investigations. Whether or not the statement, dated 30.06.2020, was made by the petitioner before respondent no. 2, is a disputed question of fact. The validity or veracity of the statement can only be determined on conclusion of trial. Through a revision petition, the petitioner could not have challenged recording of a statement related to criminal proceedings. The learned counsel, despite his able assistance, was not able to satisfy this Court that remedy by way of revision

was competent to challenge the statement, dated 30.06.2020. The impugned order, dated 17.08.2020, has not been found to suffer from any legal infirmity requiring interference while exercising jurisdiction under Article 199 of the Constitution.

6. For the above reasons, the instant petition is without merit and, therefore, accordingly **dismissed in limine.**

CHIEF JUSTICE

Tanveer Ahmed.