

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No. 4021/2019.

Shafqat Mehmood

Versus

Learned Justice of Peace, Islamabad, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	21.11.2019.	Mr. Riasat Ali Azad, Advocate for petitioner.

Through this Writ Petition, the petitioner has assailed the order dated 05.11.2019, passed by learned Ex-Officio Justice of Peace/Additional Sessions Judge (East), Islamabad, whereby application U/S 22-A/B Cr.P.C. filed by petitioner was dismissed.

2. Learned counsel for the petitioner *inter-alia* contends that petitioner filed an application for registration of criminal case to the SHO P.S. Bani Gala, Islamabad on the ground that fake document has been prepared on the letterhead of Malik Azmat and Brothers which was used as an agreement and on the basis of that document different applications have been filed; that application filed by the petitioner discloses commission of cognizable offence but no FIR was registered by the SHO on said application, there-after, the petitioner filed an application U/S 22-A/B Cr.P.C. before learned Justice of Peace, Islamabad seeking direction for registration of FIR, however, the same was

dismissed vide order dated 05.11.2019.

3. Arguments heard, record perused.

4. From the perusal of record, it has been observed that petitioner has filed an application for registration of criminal case whereby fake letter pad of Malik Azmat and Brothers has been used to rent out the construction machinery and the same was used for the purpose of filing different applications to P.S. Bani Gala, whereafter application U/S 22-A/B Cr.P.C. was filed which was also dismissed by the learned Ex-Officio Justice of Peace, Islamabad through impugned order.

5. Perusal of application of the petitioner reveals that he claims to be proprietor of firm known as Ijaz & Company and entered into the agreement for supply of gravel after receiving advance but later on terms of agreement have not been performed and as such an amount of Rs.22,00,000/- has been claimed by the petitioner when the said amount was claimed, it has been alleged that the proposed accused has prepared a fake document.

6. Learned counsel for petitioner when confronted, he failed to justify any fake document and the entire record reveals that parties have strained relationship and have a civil dispute which is pending before the competent civil Court in shape of suit for rendition of accounts and even FIR No.268, dated 21.09.2019, U/S 406/34 PPC, P.S. Bani Gala, Islamabad was registered on the complaint of Malik Azmat Ullah

Awan/proposed accused against the petitioner's *side* therefore, it has *prima-facie* established that petitioner in order to settle the score with the proposed accused filed the instant petition without any basis, especially when the matter is *sub-judice* before the competent Civil Court. The impugned order has been passed by the learned Justice of Peace, Islamabad after considering each and every aspect. Even learned Justice of Peace, Islamabad has relied upon PLD 2016 SC 581 (Yousad Abbas and others Vs. ASJ, Chakwal and others) and explained the powers exercised by the Ex-Officio Justice of Peace U/S 22-A(6) Cr.P.C. and such powers are not unbridled or open-ended.

7. Keeping in view the above, instant petition is misconceived and the same is hereby dismissed in limine. However, petitioner is at liberty to approach the Court of competent jurisdiction for alternate remedy, if so advised.

(MOHSIN AKHTAR KAYANI)
JUDGE