

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

**W.P No. 1667/2020**

Muhammad Yasin

Versus

Learned Additional Sessions Judge-V/Ex-Officio Justice of Peace,  
Islamabad and others.

Petitioner by: Mr. Karim Ullah Khan, Advocate

Respondent No.5: Mr. Tariq Muhammad Khan Marwat,  
Advocate.

State by: Mr. Mudassir Latif Abbasi, State  
Counsel.  
Ameer Ali, ASI, P.S Ramna, Islamabad.

Date of Decision: 27.08.2020.

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**MOHSIN AKHTAR KAYANI J.** Through the instant writ petition, petitioner has assailed the order dated 30.05.2020, passed by learned Additional & Sessions Judge-V(West), Islamabad whereby the application U/s 22-A/B Cr.P.C filed by the petitioner for registration of criminal case has been dismissed.

2. Learned counsel for the petitioner contends that petitioner has filed an application to the S.H.O, P.S Ramna for registration of F.I.R regarding abduction of his nephew Muhammad Nisar, but the same was not registered. He further contends that the application discloses commission of cognizable offence, but learned Ex-Officio Justice of Peace after receiving report from the police department, declares the matter and issue is of a civil nature and dismissed the petition.

3. Conversely, learned State Counsel alongwith learned counsel for respondent No.5/proposed accused contends that parties have a business dispute, whereby the alleged abductee has handed over his vehicle bearing registration No. PX/688, GLI, Toyota Corolla to the

proposed accused against the settlement of his claim and left on a taxi on the alleged date of occurrence i.e. 10.03.2020 and later on, he hide himself in order to settle the secure through the registration of criminal case.

4. Arguments heard and record perused.

5. Perusal of record reveals that petitioner/complainant has filed an application to S.H.O, P.S Ramna, Islamabad as well as SSP, Islamabad for alleged abduction of his nephew Muhammad Nisar alongwith vehicle bearing registration No. PX/688, GLI, Toyota Corolla on 26.02.2020, but F.I.R has not been registered, resultantly he has approached the learned Additional & Sessions Judge-V (West), Islamabad for registration of F.I.R, who obtained the report from Police department, whereby S.H.O has submitted his report that it is a dispute of civil nature between the parties on the basis of agreement dated 26.02.2020. The alleged abductee owes some amount to the proposed accused, which was settled by way of handing over of the vehicle bearing registration No. PX/688, GLI, Toyota Corolla and as such alleged abduction is not made out.

6. While considering the above referred contention and report of the police department, it has been observed that abductee is still missing and has not been recovered till date, as such, the application filed by the petitioner discloses the commission of cognizable offence and the plea raised by the proposed accused could only be settled after registration of F.I.R, even there is no restrictions or limitation upon the police department to cancel the F.I.R if the alleged incident found to be false after investigation.

7. I have confronted learned State Counsel, who candidly conceded that instant matter comes within the purview of Section 154 Cr.P.C, therefore, instant petition is **ALLOWED** and the impugned order dated 30.05.2020, passed by learned Additional & Sessions Judge-V(West),

Islamabad is hereby **SET-ASIDE**. The S.H.O is directed to register the criminal case in light of application filed by the petitioner. However, if the Investigation Officer comes to a conclusion that no offence is made out after his investigation or the complaint is false, he may proceed against the complainant in accordance with law.

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**

RAMZAN