

Form No: HCJD/C-121
ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

W.P. No.4515/2012

Ghulam Mustafa

Versus

Judicial Magistrate, 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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03-07-2019	Syed Mujtaba Haider Sherazi, Advocate for petitioner. Mr Rabi Bin Tariq, State Counsel. Mr Umer Hayat, S.I. with record.
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Through this petition, the petitioner has assailed order, dated 03-12-2012, passed by the learned Judicial Magistrate, Islamabad.

2. The facts, in brief, are that on completion of investigations in FIR No.14, dated 13-01-2012, the Investigating Officer submitted his findings wherein he recommended for cancellation of the criminal case. The complaint filed by the petitioner related to operations which had been conducted by the Capital Development Authority for resuming the encroached land.

3. The learned counsel for the petitioner has been heard at length. The learned counsel, despite his able assistance, could not show any legal infirmity requiring interference with the report submitted by the Investigating Officer recommending cancellation of the criminal case nor with the order, dated 03-12-2012, passed pursuant thereto by the learned Judicial Magistrate, Islamabad. The discretion whereby the report submitted by the Investigating Officer was accepted by the learned Magistrate has not been found to have been exercised arbitrarily or in a fanciful manner.

4. For the above reasons, the instant petition is without merit and is, therefore, accordingly dismissed.

(CHIEF JUSTICE)