

JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT,
ISLAMABAD

Writ Petition No. 2663 of 2020

Yasmeen Afzel
Versus
Addl. Sessions Judge Islamabad etc.

Petitioner by: Mr. Asghar Ali Mubarak, Advocate,
Respondents by: M. Suhail Khurshid Gujjar, State
Counsel with Khalid Awan SI.
Date of Hearing: 27.01.2022.

ARBAB MUHAMMAD TAHIR, J: The instant writ petition is arising out of order dated 11.09.2020, passed by the learned Additional Sessions Judge-VII/Ex-Officio Justice of Peace, Islamabad (West) whereby application under Section 22-A & B Cr.P.C filed by the petitioner for the registration of FIR, was dismissed.

2- Facts, relevant for the disposal of instant writ petition, are that the petitioner submitted an application to the local police for registration of an FIR against the proposed accused on the allegations of trespass, snatching of household articles, golden ornaments, prize bonds etc and for extending life threats to the petitioner. According to the petitioner, police did not register the FIR which compelled her to file an application under Section 22-A & B Cr.P.C before the learned Additional Sessions Judge/Ex-Officio Justice of Peace but her application was

turned down vide impugned order, hence instant writ petition.

3. Learned counsel argued that the application submitted by the petitioner contains specific allegations of theft, trespass and coercion by the proposed accused but the local police refused to register the FIR without lawful justification.

4. On the other hand, learned State Counsel argued that petitioner attempted to settle the score against the proposed accused who is her ex husband and that she intends to convert a family dispute into criminal litigation.

5. Heard, record examined.

6. It is settled principle that the powers of Ex-Officio Justice of Peace are quasi Judicial that includes entertaining applications, examination of record, hearing the parties and to pass appropriate directions with due application of mind. Every application warrants discretion and judgment. Once police report is requisitioned, due weight is required to be given to it and in case of contrary view, it is mandatory for the Ex-Officio Justice of Peace to advance reasons in this regard. Reliance is placed upon case of Younas Abbas & Others v. Additional Sessions Judge Chakwal & Others (PLD 2016 SC 589).

7. As per police report dated 24.08.2020, the application of the petitioner was dealt with by the Reconciliation Committee of the Police Station Aabpara and that matter was found to be of a family matter as the petitioner has since been divorced by proposed accused, her ex-husband.

8. In the light of police report, impugned order appears to be well reasoned, in accordance with law on the subject and does not call for any interference. Consequently, instant writ petition is **dismissed.**

(ARBAB MUHAMMAD TAHIR)
JUDGE

A.R.ANSARI*

Announced in Open Court, on this_____day of
February , 2022:

JUDGE