

ORDER SHEET.

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

W.P No.121/2019.

Muhammad Asgher

Versus

The Learned Justice of Peace (West) Islamabad and 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. 14.01.2019 Mr. Usman Ali, Advocate for the petitioner.

Through this writ petition, the petitioner has assailed the order dated 06.12.2018, passed by learned Additional Sessions Judge/Justice of Peace (West) Islamabad, whereby petition U/S 22-A & 22-B, Cr.P.C for issuance of direction for registration of criminal case filed by the petitioner was dismissed.

2. Learned counsel for the petitioner inter-alia contends that the petitioner moved an application to SHO, P.S Margalla for registration of criminal case against respondents No.3 to 8, who prepared fake agreement on his behalf and respondent No.6 filed a civil suit for specific performance of sale agreement dated 08.02.2018 before the Civil Court on 22.03.2018 but the said suit was withdrawn by respondent No.6 vide order dated 10.10.2018 as such the documents used by respondent No.6/Habib Hussain Bangash are fake and fictitious, which require thorough probe and the entire matter discloses commission of cognizable offence.

3. I have heard learned counsel for the petitioner and gone through the record.

4. The application/complaint filed by the petitioner reveals that the issue in hand has arisen out of civil suit filed by respondent No.6/Habib Hussain Bangash titled *Habib Hussain Bangash vs. Muhammad Asghar and another* for specific

performance regarding House No.268, Street No.54, Sector F-11/4, Islamabad, which was allegedly purchased by respondent No.6 against sale consideration of Rs.7,00,00,000/- (Seven Crore). The said suit was filed on 22.03.2018, however, when the petitioner put appearance and contested the said suit, respondent No.6 got recorded his statement that he does not want to pursue the suit and on his request the suit was dismissed as withdrawn on 10.10.2018, where-after the application was moved to SHO, P.S Margalla for registration of criminal case. The petitioner also filed similar kind of application before the concerned Civil Court for verification of stamp paper dated 08.02.2018 but the matter could not be adjudicated as the suit had already been withdrawn.

5. In my humble view admissibility of a document appended with plaint in a civil suit can only be determined by Civil Court but in this case, when respondent No.6 has already withdrawn his suit, the petitioner cannot get benefit of determination of the document by the Civil Court.

6. Learned Justice of Peace has rightly observed that from the contents of the application of the petitioner, no cognizable offence is made out as such no illegality has been found in the impugned order.

7. For the above said reasons, this writ petition is devoid of merits, therefore, the same is hereby **dismissed in limine.**

(MOHSIN AKHTAR KAYANI)
JUDGE