

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

**W.P No.487of 2020**

Shah Muhammad Baloch  
**Vs**  
Learned Justice of Peace, etc

Date of Hearing: 20.08.2020

Petitioner by: Mr. Farhan Nazir Kiani  
Advocate.

Respondent No.6 by: Mr.Ikram Haider, Advocate.

State by: Mr.Nazar Hussain Shah, AAG.

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**Ghulam Azam Qambrani, J:** Through this petition, the petitioner has invoked the jurisdiction of this Court filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following prayer;-

“ It is, therefore, respectfully prayed that the writ petition may please be accepted and the respondents be directed to implement the order dated 27.01.2020 passed by learned respondent No.1 and the application submission for registration of criminal case be accepted and the respondents 2 & 3 be directed to consider the statement of the petitioner U/S 154 Cr.P.C in the light of comments submitted by the respondent No.5 before Hon’ble Justice of Peace for taking cognizance against the delinquents in accordance with the provision of law, in the best interest of justice.

Any other relief which this Hon’ble Court deems fit and proper may also be awarded.”

2. Brief facts of the petition are that the petitioner submitted applications before respondents 2 & 3, but no action was taken by them whereas the respondents have been requested several times to proceed against the accused person according to law. The law requires to be acted upon immediately when the application is filed and it comes into the knowledge of the concerned police officers for commission of

cognizance offence, that the respondents are under obligation to abide by the provisions of law and reduce the same in the relevant register under Section 154 Cr.P.C, but in this case, it reflects that respondents 2 & 3 did not bother to adhere to the provision of law rather acted upon contrary to it and the matter was delayed for the reason best known to them which is violative of law. Being aggrieved from the action of respondents 2 & 3, the petitioner moved an application under Section 22-A of Cr.P.C before learned ASJ in which the local police has submitted the report before the Hon'ble Justice of Peace/respondent No.1 which was decided on 27.01.2020 by the Court of Mr. Tahir Mahmood Khan, learned Sessions Judge (West), Islamabad in which the learned respondent No.1 directed the petitioner to join the inquiry proceedings and FIA/CBC was directed to conclude the Inquiry proceedings as early as possible strictly in accordance with law.

3. According to directions of respondent No.1, the petitioner joined the proceedings before respondents 4 & 5, but the respondents are lingering the matter on one pretext or other and did not obey the directions of respondent No.1. It is pertinent to point out the fact that the officials are in league with the proposed accused and are trying to hamper the proceedings and deliberately did not obey the orders passed by respondent No.1. The order dated 27.01.2020, passed by the learned Justice of Peace/Sessions Judge-West, Islamabad requires to be implemented, therefore, as the respondents be directed to consider the statement of the petitioner under Section 154 Cr.P.C in the light of comments submitted by respondent No.5 before learned Justice of Peace for taking cognizance against the delinquents in accordance with law, because they are intentionally lingering on the matter, which is illegal, unlawful and the act of the respondents is liable to be set aside.

3. On the other hand, learned counsel for the respondents has opposed the contention of learned counsel for the petitioner and contended that the contention of petitioner regarding request for several times to proceed against the accused persons according to law is misleading and misguiding; that in pursuance of order dated 27.01.2020 the FIA CBC, Islamabad Zone registered Enquiry No.02/2020 dated: 20.01.2020, probed the alleged accusations of petitioner against the

Javeria Afridi who had sought “ Khula Divorce” ; that the FIA has been conducting the enquiry quite fairly and necessary statement of the petitioner has been recorded; that the FIA CBC, Islamabad Zone has sought relevant record from the concerned departments which is still awaited. Further contended that on receipt of the requisite record, the enquiry will be concluded on merit as has been directed by the learned Justice of Peace/Sessions Judge-West, Islamabad/respondent No.1. Lastly prayed for dismissal of the petition.

4. I have heard the arguments of learned counsel for the parties and have perused the material available on record.

5. During the course of arguments, learned counsel for the petitioner submitted that the petitioner would be satisfied if a direction is given to the respondent/FIA for early conclusion of the pending inquiry in the above matter.

6. In the light of above, the respondents are directed to decide the fate of inquiry strictly in accordance with law within shortest possible time preferably within fifteen days.

7. In view of above, instant writ petition is disposed-of.

~~Ghulam Azam Qambrani~~  
Judge

Announced in Open Court, on this 27<sup>th</sup> day of August, 2020.

~~Judge~~

S.Akhtar