

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

**W.P No.1679 of 2020**

Amjad Khan  
**Vs**  
DSP Circle Police Station Tarnol, Islamabad etc

Date of hearing: 06.07.2020

Petitioner By: Mr. Haroon-ur-Rashid, Advocate.

State by: Zohaib Hassan Gondal, State  
Counsel with M.Raiz Inspector Legal  
with Saqib Mehmood ASI.

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

“ It is respectfully prayed that the respondents No. 1 & 2 may kindly be directed to remain within the forecormness of law and to bring on record all the relevant documents which are necessary to bring the actual facts on record. It is further prayed that respondents No.1 & 2 may kindly be directed to receive the documents from petitioner and give their findings in the light of the facts on ground.”

2. Brief facts of the case are that the petitioner is owner in possession of land measuring 06-Kanals and also having possession of 16-Kanals, 08-Marlas of land situated in khasra number 165 & 167 Pind Parian, Islamabad, he entered into an agreement to sell with respondent No. 3 on 18.07.2016. It is further stated that respondent No.3 issued a cheque amounting to Rs.41,00,000/- dated 18.07.2016, which was dishonoured on presentation and the petitioner was informed that respondent No.3 had stopped the payment of said cheque on

18.07.2016. Hence, the petitioner lodged FIR No. 88 dated 12.02.2020 Under Section 489-F PPC at Police Station, Tarnol, Islamabad.

3. Learned counsel for the petitioner submits that respondent No.3 is in league with respondents No.1 & 2, who are pressurizing the petitioner illegally and unlawfully; that respondents No.1 & 2 are deliberately not bringing on record all the relevant documents of the petitioner with malafide intention and that they are trying to prepare cancellation report of the above said FIR. It is further submitted that respondent No.3 has got possession of the property as per agreement dated 18.07.2016 whereas he has deliberately stopped the payment of Rs.41,00,000/- to the petitioner and he has further sold the said property to a third party; that respondent No.3 in connivance with respondents No.1 & 2 is trying to obtain a favourable cancellation report in his favour just to deprive the petitioner of his legal right to receive the sale consideration of said property i.e an amount of Rs. 41,00,000/-. Lastly submitted that respondents No.1 & 2 may kindly be directed to bring on record all the relevant documents of the petitioner.

4. On the other hand, learned counsel for respondent No. 3 submits that they will make payment to the person, who has possession of the land; that they have made payment to their father for the land measuring 3-Kanals and that they have also made payment to the sister of the complainant; that the petitioner has lodged a false and frivolous FIR against respondent No.3.

5. Arguments heard, record perused.

6. Perusal of the record reveals that the SHO, P.S Tarnol, Islamabad submitted cancellation report in the above said FIR No. 88, which was verified by the SDPO Saddar Circle, Islamabad, but the Deputy Superintendent of Police ( Legal), Islamabad has raised certain objections on the cancellation report. In view of the same, it seems that the investigation is still pending with the SHO, Police Station Tarnol, Islamabad. It is the legal right of the petitioner to produce

all the relevant documents before the Investigating Officer before final opinion is made in the above said FIR.

7. In view of what has been discussed above, this writ petition is accepted Respondent No.2 (SHO) Police Station Tarnol, Islamabad, is directed to bring on record all the relevant documents of the petitioner before making any final opinion in case FIR No. 88 dated 12.02.2020 registered Under Section 489-F PPC, P.S Tarnol, Islamabad.

**Ghulam Azam Qambrani**  
**Judge**

Announced in open Court on 7th day of July, 2020.

**Judge**

S.Akhtar