

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

Writ Petition No. 1216/2020

Rao Taimoor Zafar

Vs

Justice of Peace, ADJ Islamabad-West etc

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
------------------------------	----------------------------	---

02.	05.05.2020	Sardar Arshad Mahmood Khan, Advocate for the petitioner, Mr. Muhammad Bilal Ibrahim, State Counsel, Shabbir SI/S.H.O. with record.
-----	------------	--

Through the instant writ petition, the petitioner impugns the order dated 11.03.2020 passed by the learned Additional Sessions Judge/Ex-officio Justice of Peace, Islamabad-West whereby his application under Sections 22-A & B of the Criminal Procedure Code ("the Cr.PC") for the registration of FIR has been dismissed.

2. Learned counsel contends that the matter was promptly reported to the concerned police station; that both the eye-witnesses had made statements before the Investigating Officer, who inspected the site on the same day and that the proposed accused did not join the inquiry proceedings deliberately which is evident from the report, available on file as Annexure C, therefore, in such eventuality, there was no justification to dismiss the complaint on the ground that the proposed accused earlier got registered an FIR against the complainant. Learned counsel further submitted that authenticity or otherwise of any material or evidence is the prerogative of the trial Court and therefore, impugned order is the result of excess of jurisdiction.

3. As against above, learned State Counsel contends that during inquiry, the petitioner failed to provide any evidence in support of the allegations and that no one from the area where the occurrence allegedly took place verified the stance of the petitioner, therefore, the application for the registration of FIR could not be processed. It is further asserted that the order impugned is well reasoned and does not call for any interference.

4. Heard the learned counsel for the petitioner, learned State Counsel and examined the record.

5. It is by now settled that the powers of Ex-officio JOP should not be exercised sparingly rather with application of judicial mind. The powers are quasi judicial in nature that includes entertaining applications, examination of record, hearing the parties and to pass appropriate directions with due application of mind. Guidance is taken from the law laid down by the Hon'ble Apex Court in case reported as Younas Abbas & Others Vs Additional Sessions Judge Chakwal & Others (PLD 2016 SC 589).

6. On examination of the record it reveals that on the application of the petitioner, the matter was inquired into where the petitioner remained unable to provide any evidence in support of his version. It was also reported that during the probe none from the vicinity verified the occurrence. It is also matter of record that the parties retain rift as earlier the proposed accused got registered an FIR against the

petitioner bearing No.203/2019 under section 365-B of the Cr.PC P.S. Margalla, Islamabad.

7. In addition, the SHO, present in the Court, stated that he had thoroughly investigated the application of the petitioner and that the proposed accused never entered into flat/residence of the petitioner, as alleged.

8. The circumstances highlighted above aptly indicate that the impugned order is well reasoned and, therefore, does not call for any interference. Consequently, present writ petition being devoid of merits is dismissed; however, petitioner shall be at liberty to avail other remedies, available to him under the law, if so advised.

**(FIAZ AHMAD ANJUM JANDRAN)**  
**JUDGE**

Imran