

Form No: HCJD/C-121
ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.175 of 2021

Yar Muhammad

VS

Justice of Peace (East), 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.
01.	19.01.2021.	Raja Rizwan Abbasi, Advocate for the petitioner.

Through the instant petition, the petitioner has assailed order dated 15.01.2021, passed by learned Ex-Officio Justice of Peace/Additional Sessions Judge, Islamabad (East), wherein the petition under Section 22-A&B Cr.P.C filed by respondent No.5 was disposed of with the direction to respondent/SHO to record the version of petitioner, as already an F.I.R. No.561/20, dated 25.11.2020 regarding the same occurrence has been registered. The learned Trial Court held that in light of the dictum laid down in “Mst. Sughran Bibi case” the second F.I.R. is not permissible to be registered, however, the S.H.O./Investigating Officer is directed to record the counter-version.

2. Learned counsel for the petitioner, *inter-alia*, contends that the police will take impression that recording of the counter version amounts to registration of F.I.R. and by

this direction the valuable rights of the petitioner have been jeopardized, as the respondent No.5 has not moved any application for registration of F.I.R., which is mandatory under Section 154 Cr.P.C, so the directions given in order dated 15.01.2021 are against the law. Learned counsel has relied upon case reported as **“PLD 2016 SC 581”**.

3. Points raised need consideration.
Notice to the respondents.

C.M. No.01 of 2021.

Notice.

C.M. No.02 of 2021.

The exemption sought for is allowed
subject to all just and legal exceptions.

**(TARIQ MEHMOOD JAHANGIRI)
JUDGE**

M. Zaheer Janjua.