

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Crl. Appeal No.231/2019.

Muhammad Ramzan

Versus

Learned Judicial Magistrate, Section 30, Islamabad (East) etc.

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.	04.07.2019	Mr. Atique-ur-Rehman, Advocate for the appellant.
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Through instant appeal, the appellant has assailed the order dated 13.04.2019, passed by learned Judicial Magistrate Section-30 (East) Islamabad, whereby respondents No.2 to 5 have been acquitted U/S 249-A, Cr.P.C from case FIR No.89/16, dated 27.05.2016, U/S 365 PPC, P.S Shahzad Town, Islamabad.

2. Learned counsel for the appellant inter-alia contends that the appellant is complainant of the case for abduction of his wife Mst. Fazeelat Bibi on 16.04.2016 and his wife remained in illegal confinement of respondents No.2 to 5; that learned Judicial Magistrate has not considered the evidence and acquitted respondents No.2 to 5 without any basis; that probability of conviction has not been considered with reference to record, especially when the I.O has submitted the challan before the Court.

3. I have heard learned counsel for the appellant and perused the record.

4. Perusal of the record reveals that the appellant being complainant got lodged case FIR No.89/16, dated 27.05.2016,

U/S 365 PPC, P.S Shahzad Town, Islamabad for alleged abduction of his wife Mst. Fazeelat Bibi on 16.04.2016.

5. Learned counsel for the appellant has been confronted regarding relationship of alleged abductee Mst. Fazeelat Bibi with respondents No.2 to 5, whereupon he contends that respondents No.2 to 5 are real father, mother, brother and sister of the alleged abductee.

6. Record further reveals that alleged abductee Mst. Fazeelat Bibi put her appearance before learned Additional Sessions Judge during the pendency of pre-arrest bail of respondents No.2 to 5, where she got recorded her statement, in which she categorically stated that nobody abducted her and on the basis of her statement, learned Additional Sessions Judge vide order dated 03.09.2016 decided the pre-arrest bail of respondents No.2 to 5. Even the appellant also recorded his statement before Additional Sessions Judge on 03.09.2016 that he does not want to proceed further with the bail petition. The entire proceedings have been settled by way of compromise and compromise deed executed by the appellant is also available on record. This entire aspect clearly reveals that there is no probability of conviction of respondents No.2 to 5 in this case as it is not consumable that real parents of a lady will abduct her, who is sui juris. All these facts have been appreciated by learned Judicial Magistrate. Learned counsel for the appellant has failed to point out any defect in the impugned order. The impugned order has been passed within four corners of law. The instant appeal has been filed by the appellant only with intent to settle score with respondents No.2 to 5.

7. For what has been discussed above, instant appeal bears no merits, therefore, the same stands **dismissed in limine.**

(MOHSIN AKHTAR KAYANI)
JUDGE

R.Anjam

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