

**ORDER SHEET.**

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

**Writ Petition No.3027/2019.**

Ch. Muhammad Moaaz

Versus

Additional Sessions Judge, Islamabad (West)/Ex-Officio Justice of Peace, Islamabad,  
etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	11.09.2019.	Ch. Abdur Rehman Nasir, Advocate for petitioner.

Through this writ petition the petitioner has assailed the order dated 22.07.2019, passed by learned Ex-Officio Justice of Peace, Islamabad, whereby application U/S 22-A/B Cr.P.C. filed by the petitioner was dismissed.

2. Learned counsel for the petitioner *inter-alia* contends that one Mst. Dur-e-Shahwar sold out her plot measuring 25' x 50', Sector I-16/2, Islamabad to the petitioner and received Rs.2,00,000/-, whereas remaining amount was to be paid at the time of transfer of plot but it transpired that subject plot has already been sold to another person, when said lady Mst. Dur-e-Shahwar was confronted with the said situation, she put one guarantor, who handed over his car No.QH-799 Corolla as guarantee to the petitioner but the issue could not be settled and now one Raza Shah posing himself to be official of law enforcement agency is extending threats; that cognizable offence has been made out but

learned Justice of Peace has not allowed the application of petitioner.

3. Arguments heard, record perused.

4. Perusal of record reveals that petitioner has filed an application to the SHO P.S. Ramna, Islamabad for registration of criminal case mainly on the ground that Mst. Dur-e-Shahwar received Rs.2,00,000/- as earnest money for selling her plot situated in Section I-16/2, Islamabad against the total sale consideration of Rs.20,00,000/- but she sold out the said plot to another party, a civil suit was also filed by the petitioner before the Civil Court, (West) Islamabad regarding the same subject matter.

5. The above background is appreciated by the learned Justice of Peace in a proper manner. Even otherwise, record appended with this writ petition discloses that instant matter is based upon a civil dispute and petitioner is claiming breach of terms of contract.

6. Keeping in view the above background, when civil suit has already been filed for enforcement of rights under the contract, another petition seeking registration of criminal case on same subject matter is to be considered as an attempt to convert civil dispute into criminal litigation with malafide intention and no other intention could be gathered, therefore, order passed by the learned Justice of Peace, Islamabad is within four

corners of law, hence, instant writ petition is hereby  
**dismissed in limine.**

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**

Zahid