

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

**W.P No. 3339/2019**

Asim Shahzad

Versus

The State etc.

<b>S. No. of order/ proceedings</b>	<b>Date of order/ Proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
<b>(01)</b>	02.10.2019	Rana Muhammad Irshad Khan, Advocate for the petitioner.

**MOHSIN AKHTAR KAYANI J.** Through this writ petition, the petitioner has assailed the order dated 26.07.2019, passed by learned Senior Civil Judge-I (East), Islamabad, whereby respondent No.2/Sajaawal Gaffar was discharged from criminal case FIR No. 223/19, dated 11.07.2019, U/s 496-A/34 PPC, P.S Khanna, Islamabad.

2. Learned Counsel for the petitioner inter-alia contends that petitioner's wife namely Mst. Kiran Shahzadi was abducted by respondent No.2 and FIR No. 223/19, dated 11.07.2019, U/s 496-A/34 PPC, P.S Khanna, Islamabad was registered, however, after recovery of alleged abductee, her statement U/s 164 Cr.P.C was recorded by the learned Judicial Magistrate under misrepresentation and coercion as she was not extended any legal assistance and due to the said statement, the learned Judicial Magistrate has discharged the respondent No.2 without considering the other evidence on record.

3. Arguments heard, record perused.

4. From the perusal of record, it has been observed that the abductee namely Mst. Kiran Shahzadi has recorded her statement U/s 164 Cr.P.C before learned Judicial Magistrate, 1<sup>st</sup> Class, Islamabad, in which she in categorical terms stated that she has not been abducted by any one, rather she had left the abode with her own free will. On the said statement U/s 164 Cr.P.C, the Investigation Officer has declared the respondent No.2 as innocent. Learned Judicial Magistrate has also considered this aspect in the impugned order dated 26.07.2019 and discharged the respondent No.2 U/s 63 Cr.P.C from criminal case FIR No. 223/19, dated 11.07.2019, U/s 496-A/34 PPC, P.S Khanna, Islamabad.

5. The petitioner mainly aggrieved with the order dated 26.07.2019 on the ground that his wife Mst. Kiran Shahzadi was abducted for the purpose of rape by respondent No.2, but this aspect was not considered by the learned Judicial Magistrate in the discharge order. The statement U/s 164 Cr.P.C of alleged abductee was rightly appreciated by the learned Judicial Magistrate in the impugned order, wherein it was stated by the alleged abductee that she was neither abducted nor subjected to rape rather she had left the abode with her own free will, hence no offence is made out in terms of Section 496-A PPC, even learned counsel for the petitioner has failed to point out any procedural violation and legal defect in the impugned order, although the learned Judicial Magistrate has given due consideration to the

investigation of the case and even allowed the investigation agency to further investigate the matter and if any incriminating material evidence comes on record in later phase of time, the police authorities would be at liberty to arrest the accused/respondent No.2 as such the order has been passed in accordance with law and no illegality has been observed.

6. In view of above situation, instant writ petition is misconceived and same is hereby **dismissed in limine.**

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

RAMZAN