JUDGMENT SHEET. ISLAMABAD HIGH COURT, ISLAMABAD, JUDICIAL DEPARTMENT.

W.P No.2455/2019.

Naveed Abdul Wahid

Vs.

Additional Sessions Judge, Islamabad (West)/Ex-Officio

Justice of Peace, Islamabad etc.

Petitioner by:

Sardar Shabbir Hussain, Advocate.

Respondents by:

Barrister Ayesha Siddique Khan, State

Counsel.

Arshad, ASI, P.S Shalimar, Islamabad.

Date of Decision:

10.12.2019.

MOHSIN AKHTAR KAYANI, J:- Through this writ petition, the petitioner has assailed the order dated 22.06.2019, passed by learned Ex-Officio Justice of Peace/Additional Sessions Judge-West, Islamabad, whereby application filed by the petitioner for registration of criminal case has been turned down.

- 2. Learned counsel for the petitioner contends that the petitioner moved an application to the SHO, P.S Shalimar for registration of criminal case regarding theft of his personal belongings from his house No.129, street No.65, sector F-11/4 but the SHO refused to register the case and later on submitted report before learned Justice of Peace by converting the instant matter into family dispute, which resulted into dismissal of his application U/S 22-A & 22-B, Cr.P.C despite the fact that cognizable offence is made out from the contents of application filed by the petitioner.
- 3. Conversely, learned State Counsel contends that petitioner's wife has already left his abode and is separately living with her parents and entire record demonstrate that there was family dispute; that learned Justice of Peace has rightly dismissed the application through impugned order.
- 4. I have heard the arguments and gone through the record.

2

W.P No.2455/2019.

5. Perusal of the record reveals that the petitioner filed an application to the

SHO, P.S Lohi Bher, Islamabad that he was abroad in connection with his job in

Malaysia and when came to Pakistan on 17.09.2018 his house hold articles

including the vehicle, cash amount and other jewellery were stolen by five to seven

unknown persons, however, his application was not entertained by the SHO and

even his application U/S 22-A & 22-B, Cr.P.C was dismissed on the police report.

6. Learned counsel for the petitioner has been confronted whether the

petitioner has any claim against his wife or her family members, whereupon he

categorically stated that the petitioner has some dispute with his wife but he is not

leveling any allegation against his wife or her family members rather his house hold

articles were stolen by some unknown persons and his family dispute has nothing to

do with the stolen articles.

7. Be that as it may, the application filed by the petitioner to the SHO discloses

commission of cognizable offence. Learned Justice of Peace has not appreciated the

issue in terms of law and gone beyond his jurisdiction by declaring that the matter

in question is civil dispute, which is against the facts.

8. In view of the above reasons, the instant writ petition is <u>allowed</u>, impugned

order dated 22.06.2019 is set aside. SHO, P.S Shalimar is directed to register the

FIR forthwith.

(MOHSIN AKHTAR KAYANI) JUDGE

R. Anjam