

JUDGMENT SHEET.
IN THE ISLAMABAD HIGH COURT,
ISLAMABAD.

Writ Petition No.191 of 2021

Muhammad Asif.

Versus

SSP (Operation) Police, Islamabad and 04 others.

Petitioner By : Mr. Agha Muhammad Ali Khan,
Advocate.

Respondents By : Rana Jamshed Ali Khan, Advocate for
respondent No.3.
Syed Shahbaz Shah, State Counsel.
Asif Ali, A.S.I.

Date of Decision : 22.03.2021.

TARIQ MEHMOOD JAHANGIRI, J. – Through the instant petition, the petitioner has challenged the order dated 18.01.2021, passed by the learned Ex-officio Justice of Peace, Islamabad / learned Additional Sessions Judge-IV, Islamabad (West), whereby application under Section 22-A/B Cr.P.C. filed by respondent No.3 for registration of the F.I.R. was accepted and directions were issued to concerned S.H.O for registration of the case.

2. The facts, leading to the filing of instant petition, are that respondent No.3 filed a petition under Section 22-A/B Cr.P.C before the learned Ex-officio Justice of Peace, Islamabad, wherein he has levelled allegations of issuing threats and demanding money / ransom against the petitioner. Learned Justice of Peace sought a report from police. Report

was submitted by S.P. Complaints, Islamabad, wherein it is mentioned that the proposed accused was contacted through his cell number, who stated that he has business transaction with the complainant and has denied the occurrence. Therefore, it was prayed that the application under Section 22-A/B Cr.P.C be dismissed being meritless.

3. Learned counsel for the petitioner, *inter-alia*, contends that there is a civil dispute between the parties and just in order to settle the score of civil litigation, respondent No.3 / complainant has filed an application for registration of F.I.R., which is false and frivolous. Learned counsel for the petitioner has placed reliance on cases reported as *“Younas Abbas and others Vs. Additional Sessions Judge, Chakwal and others”* (PLD 2016 SC 581), *“Zahoor Ahmed Vs. I.G. of Police, Punjab and others”* (2011 SCMR 1948), *“Pervaiz Rasheed and others Vs. Ex-Officio Justice of Peace and others”* (2016 YLR 1441), *“Haji Ashraf and 2 others Vs. Khan Muhammad and 3 others”* (2020 YLR 44) and *“Rai Ashraf and others Vs. Muhammad Saleem Bhatti and others.”* (PLD 2010 SC 691).

4. Conversely, learned State Counsel assisted by learned counsel for respondent No.3 has controverted the arguments of learned counsel for the petitioner and submitted that under Section 154 Cr.P.C, the police is duty bound to register the F.I.R., whenever the matter regarding commission of cognizable offence is reported to the police.

5. Arguments advanced by learned counsel for the petitioner, learned Stated Counsel assisted by learned counsel for respondent No.3 have been heard and the documents placed on record have been examined with their able assistance.

6. The facts, leading to the filing of instant petition have been mentioned hereinabove, therefore, need not be reproduced.

7. It has been laid down in case reported as “*Muhammad Bashir Vs. Station House Officer, Okara Cantt. and others.*” (PLD 2007 SC 539) by Hon’ble Supreme Court of Pakistan that police is bound to register F.I.R. under Section 154 Cr.P.C., whenever the matter regarding commission of cognizable offence is reported to the police, hence the S.H.O., Police Station Ramna is directed to examine the contents of the application filed by respondent No.3 and if cognizable or non-cognizable offence is made out, proceed further strictly in accordance with law by registering F.I.R. or by preparing *Qalandra*. If during the course of investigation complaint is found to be false, then proceedings under Section 182 P.P.C. be initiated against the complainant.

8. In view of the above observations, the instant writ petition is disposed of accordingly.

(TARIQ MEHMOOD JAHANGIRI)
JUDGE

M. Zaheer Janjua