

Form No: HCJD/C-121.

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No. 775 of 2022

Eid Ur Rehman, etc

Vs

Additional Session Judge-West, Islamabad, 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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03-03-2022. Mr Waqar Hanif Abbasi, Advocate for the petitioners.

ATHAR MINALLAH, CJ.- The petitioners, Eid Ur

Rehman and Muhammad Mussawar Abbasi (hereinafter referred to as the "***petitioners***"), have invoked the jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 assailing order, dated 01.03.2022, passed by the learned Justice of Peace whereby application under section 22-A of the Code of Criminal Procedure, 1898 (hereinafter referred to as the "**Cr.P.C**") was allowed and the Incharge of Police Station has been directed to register a criminal case under section 154 of Cr.P.C.

2. The learned counsel for the petitioner has been heard at length. Despite his able assistance, he was not able to persuade the Court that the impugned order suffers from any legal infirmity. A plain reading of the complaint filed by respondent no.2 shows that it, prima facie, discloses alleged acts of commission of offences

described under various provisions of Pakistan Penal Code, 1860 (hereinafter referred to as the "**PPC**"). The learned counsel has referred to civil litigation and has also stated that the attempt to register a criminal case was to thwart the criminal proceedings initiated by the petitioners against the respondents. However, this raises disputed questions of fact which obviously cannot be resolved while exercising constitutional jurisdiction. It is noted that it is settled law that the contents of a complaint have to be solely taken into consideration for the purposes of registering a case under Section 154 of Cr.P.C. Reliance is placed on "*Muhammad Bashir versus SHO Okara Cantt and others*" **[PLD 2007 S.C. 539]**.

3. For the above reasons, the Court is satisfied that the impugned order does not suffer from any legal infirmity and consequently the petition is accordingly dismissed. However, the Court expects that after registration of the case, the concerned Incharge of Police Station will ensure that proceedings are initiated and concluded fairly, justly, in a transparent manner and in accordance with law.

CHIEF JUSTICE