

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.921/2020.

Chaudhry Muhammad Sharif

Versus

Inspector General of Islamabad Police, 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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20.03.2020. Mr. Muhammad Rustam Malik, Advocate for petitioner.

Through this writ petition, the petitioner has prayed for issuance of direction to the respondents for registration of criminal case as per contents of complaint filed by the petitioner.

2. Learned counsel for the petitioner contends that petitioner has filed an application to the Inspector General of Islamabad Police for registration of FIR but his grievance has not been redressed and he has been deprived from his hard earned money by private respondents on the basis of agreement, although titled documents were handed over to the petitioner but the same were found forged/bogus and as per revenue record private respondents are not the owners of suit land. However, when learned counsel for the petitioner has been confronted regarding the alternate remedy U/S 22-A, B Cr.P.C., he contends that petitioner has not approached the learned Ex-Officio Justice of Peace and even this Court has jurisdiction to entertain instant petition and can pass order for registration of criminal case.

3. Keeping in view the above position, I have gone through the provision of Section 22-A(6) Cr.P.C., whereby Ex-Officio Justice of Peace may issue appropriate directions to the police authorities concerned on a

complaint regarding non-registration of criminal case, transfer of investigation from one police officer to another and neglect, failure or excess committed by a police authority in relation to functions and duties, therefore, when original remedy is in field which has not yet been availed by the petitioner himself, if he approaches this Court directly, the initial probe and authority vested to the Ex-Officio Justice of Peace would be superseded and in such situation if this Court comes to contrary view it will effect its alternate remedies also.

4. It has not been denied by the petitioner before this Court that his request for registration of FIR on the basis of dishonoured cheque in the same transaction has been acknowledged by the police as a result whereof FIR No.103, dated 15.03.2019, U/S 489-F PPC has been registered at P.S. Koral, therefore, question of registration of second FIR is another hurdle which could affect the rights of petitioner at this stage, therefore, instant writ petition stands *disposed of* with direction to the petitioner to approach the learned Ex-Officio Justice of Peace for appropriate remedy in accordance with law.

(MOHSIN AKHTAR KAYANI)
JUDGE