

Form No: HCJD/C-121
ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

W. P. No.2032/2019

Naveed Zafar

Versus

Shoaib Mazhar, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	24-05-2019	Mr Abid Hussain Mirza, Advocate for petitioner.

The petitioner has assailed order, dated 20-05-2019, passed by the learned Ex-Officio Justice of Peace/Additional Sessions Judge, Islamabad (West).

2. The facts, in brief, are that a petition under section 22-A of the Code of Criminal Procedure, 1898 was filed by respondent no.1. The latter had alleged commission of offence under section 489-F of the Pakistan Penal Code, 1860 (*hereinafter referred to as the 'PPC'*). The learned Ex-Officio Justice of Peace after perusing the record has directed for registration of a criminal case vide the impugned order, dated 20-05-2019.

3. The learned Counsel has been heard at length. The learned Counsel has stated that earlier criminal case i.e. FIR No.169/2019, dated 16-05-2019, was registered by the petitioner and, therefore, a second FIR relating to the same offence and occurrence could not have been directed to be registered.

3. Perusal of the record shows that earlier FIR No.469/2019, dated 20-05-2019, was registered pursuant to written complaint submitted by the petitioner. A plain reading of the said FIR shows that it did not pertain to an offence under section 489-F of PPC. In the instant case the allegation is confined to commission of the offence under section 489-F of PPC. There is no force in the argument raised by the learned Counsel for the petitioner that the occurrence is the same and, therefore, two criminal cases cannot be registered. The offences are distinct so are the facts leading thereto. Despite his able assist, the learned Counsel for the petitioner could not show any legal infirmity requiring interference by this Court.

4. For what has been discussed above, this petition is without merit and, therefore, accordingly dismissed.

(CHIEF JUSTICE)

Luqman Khan/*