

Form No: HCJD/C-121.

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No. 2756 of 2014

Naeem Shakir

Vs

Additional Sessions Judge/Justice of Peace, 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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06. 14-10-2019. Raja Rizwan Abbasi, Advocate for the
petitioner.
Mr. Sadaqat Ali Jehangir, State Counsel.
Mr. Muhammad Owais, son of respondent no.3
in person.
Mr. Nawaz, S.I.

Through this petition the petitioner has
assailed order, dated 24.05.2014.

2. Mr. Muhammad Owais has appeared and
has stated that the complainant i.e. M. Khalid
son of Abdul Haq, respondent no.3 had passed
away on 19.08.2014.

3. The facts, in brief, are that a written
complaint was filed by respondent no.3 for
registration of a criminal case but it was not
entertained by the concerned Police Station.
Respondent no.3, therefore, filed a petition
under section 22-A(6) of the Criminal Procedure
Code, 1898 and the same was disposed by the
learned Ex-Officio Justice of Peace vide order,
dated 24.05.2014, by directing the Incharge of
the Police Station to register a criminal case.

The said order was challenged through filing of this petition by the petitioner on 05.06.2014. The Incharge Police Station has not registered a criminal case pursuant to order, dated 24.05.2014, despite the fact that no injunctive order has been passed by this Court.

4. The learned counsel for the petitioner has stated that a plain reading of the written complaint shows that no cognizable offence is made out and the learned Ex-Officio Justice of Peace without taking into consideration contents of the written complaint had directed registration of a criminal case.

5. The learned counsel for the petitioner and the learned State Counsel have been heard.

6. Admittedly, the complaint was filed by respondent no.3 in 2014. The order whereby the Incharge of the Police Station was directed to register a criminal case was passed by the learned Ex-Officio Justice of Peace on 24.05.2014. Respondent no.3 during his life time and his legal heirs after his death, did not avail other remedies available under the law e.g. filing a complaint under section 200 of the Criminal Procedure Code, 1898. There is nothing on record to show that respondent no.3 during his life time or after his death his legal heirs had filed any application before this Court

for early disposal of this petition. This petition has remained pending since June, 2014 and during this period no effort was made for early fixation thereof.

7. With the able assistance of the learned counsel for the petitioner and the learned State Counsel, the written complaint has been perused. A plain reading thereof shows that no act or omission has been disclosed which could have constituted a cognizable offence. It is apparent from the order passed by the learned Justice of Peace, dated 24.05.2019, that the contents of the complaint were not considered before passing a direction. The registration of a criminal case at this belated stage would be a futile exercise. Moreover, the dispute between the parties is of a civil nature.

8. For the above reasons, this petition is allowed and consequently order, dated 24.05.2014, is hereby set aside. Needless to mention that this order will not prejudice the right of the legal heirs of respondent no.3 to avail other remedies provided under the law such as invoking section 200 of the Criminal Procedure Code, 1898.

(CHIEF JUSTICE)