

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.1677/2020
Saeeda Yasmin
versus
Learned Justice of Peace/ ASJ (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.
	29.06.2020	Petitioner in-person.

Through the instant writ petition, the petitioner has called in question order of the Justice of Peace/ ASJ (West), Islamabad, dated 19.03.2020, whereby application filed by the petitioner under Section 22-A Cr.P.C. has been dismissed.

2. Brief facts referred in the instant writ petition are that petitioner filed an application to S.H.O., P.S. Margalla, Islamabad for registration of FIR but said official together with other relevant officers had failed to perform their duties in accordance with law and did not register the case as required under Section 154 Cr.P.C. Feeling aggrieved thereof, the petitioner filed application under Section 22-A Cr.P.C., which was dismissed by learned Justice of Peace/ ASJ (West), Islamabad, Islamabad vide impugned order dated 19.03.2020 with the findings that the dispute between the parties is of civil nature. Hence, the instant writ petition.

3. Learned counsel for petitioner contends that the impugned order has been passed in violation of relevant provisions of law and without considering the facts of the case; that the learned trial Court failed to consider that both civil and criminal proceedings can be carried out simultaneously; that as per the dictum laid down by the superior Courts no authority is vested with an officer Incharge of Police Station to hold any inquiry into the correctness or otherwise of the information conveyed to the S.H.O. for registration of an FIR; that bare reading of the complaint filed by the petitioner discloses the

commission of cognizable offence but the S.H.O. remained adamant not to register FIR against the culprits, even otherwise, the learned trial Court has misapplied the law while passing the impugned order, which is liable to be set-aside.

4. Arguments heard, record perused.

5. Perusal of record reveals that the petitioner is mainly aggrieved with order dated 19.03.2020, whereby her petition U/S 22-A, Cr.P.C has been dismissed. The record reflects that the petitioner has filed application for registration of criminal case with the allegations that her husband namely Muhammad Sohail Aftab has concealed his previous marriage in the Nikahnama and as such an offence has been committed by her husband, who later on left the petitioner without any information.

6. I have gone through the record as well as law, whereas Section 6 of the Muslim Family Law Ordinance, 1961 provides the prosecution mechanism for polygamy, whereby any man contracting another marriage without permission of Arbitration Council shall be punished with Simple Imprisonment, which may extend to one year or with fine or both on the complaint filed by the aggrieved person.

7. While considering the above background, the petitioner has alternate remedy of filing complaint to deal with such kind of proposition, therefore, instant writ petition is not maintainable and the same is hereby **DISMISSED** *in limine*. However, the petitioner may approach the competent forum under the law for redressal of her grievance.

(MOHSIN AKHTAR KAYANI)
JUDGE

Khalid Z.