

JUDGMENT SHEET.
ISLAMABAD HIGH COURT, ISLAMABAD,
JUDICIAL DEPARTMENT.

W.P No.2495/2019.

Haseeb Haider **Vs.** **Additional Sessions Judge (West),
Islamabad etc.**

Petitioner by: Mr. Muhammad Shahzad Siddique,
Advocate.

Respondents by: Mr. Sadaqat Ali Jahangir, State
Counsel.

Proposed Accused by: Mr. Shehryar Tariq, Advocate.

Date of Decision: **13.01.2020.**

MOHSIN AKHTAR KAYANI, J:- Through this writ petition, the petitioner has assailed the order dated 27.06.2019, passed by learned Additional Sessions Judge/Ex-Officio Justice of Peace (West) Islamabad, whereby application U/S 22-A & 22-B, Cr.P.C for registration of criminal case has been dismissed.

2. Learned counsel for the petitioner contends that the petitioner filed an application for registration of FIR against Ch. Naseer Ahmed, who has dispossessed the petitioner from Espresso Lounge Café/Restaurant, when he was on Eid ul Fiter vacation i.e. 04.05.2019 and proposed accused has taken over the restaurant (joint venture partnership business of proposed accused) and as such he has also violated status quo order granted by Civil Court; that from the contents of the application commission of cognizable offence is very much proved and SHO, P.S Shalimar as well as learned Justice of Peace have ignored the basic requirements for registration of FIR and dismissed the application.

3. Conversely, learned counsel for proposed accused contends that FIR No.152/2019, dated 09.05.2019, U/S 506(ii), 337-F(i), 148, 149 PPC, P.S Shalimar has already been registered against the petitioner on the complaint of Ch. Naseer Ahmed proposed accused and the application of the petitioner for registration of

FIR is counter blast to that FIR; that entire matter is pending before Civil Court and learned Justice of Peace has rightly dismissed the application.

4. I have heard the arguments and gone through the record.

5. Perusal of the record reveals that the petitioner is mainly aggrieved with the orders of SHO, P.S Shalimar and learned Ex-Officio Justice of Peace, whereby his application U/S 22-A & 22-B, Cr.P.C for registration of FIR has been dismissed. The primary allegation referred by the petitioner in the application against the proposed accused is the action managed by the proposed accused of dispossession of the petitioner from the restaurant situated in Leisure Club, Silver Oaks, F-10 Markaz, Islamabad, when he was on Eid ul Fiter vacation i.e. 04.05.2019. The entire record reveals that civil suit titled "***Haseeb Haider vs. Ch. Naseer Ahmed***" for permanent injunction has been filed by the petitioner. Similarly, Ch. Naseer Ahmed proposed accused has also filed suit titled "***Ch. Naseer Ahmed vs. Haseeb Haider***" for declaration, permanent and mandatory injunctions, rendition of accounts and recovery. Both the suits have been consolidated and pending adjudication before the competent Court. The issue of restoration of possession has been settled by this Court vide judgment of even dated in connected writ petition No.3544/2019, whereby the matter has been remanded to learned Trial Court to decide afresh after recording evidence of the parties.

6. In view of above background, the dispute between the parties is of civil nature. Learned Justice of Peace has rightly passed the impugned order and no illegality has been observed. The instant writ petition stands **dismissed**.

(MOHSIN AKHTAR KAYANI)
JUDGE

R Anjam