

JUDGMENT SHEET.
IN THE ISLAMABAD HIGH COURT,
ISLAMABAD.

Writ Petition No.2283 of 2018

Syed Bismillah.

Versus

Justice of Peace/Learned Additional Sessions Judge, Islamabad (West) and 02 others.

Petitioners By : Mr. Sher Afzal Khan Marwat, Advocate.

Respondents By : Mr. Shakil ur Rehman Khan, Advocate for
proposed accused.
Mr. Awais Haider Malik, learned State
Counsel.
Muhammad Arif, ASI.

Date of Decision : 04.02.2020.

AAMER FAROOQ, J. - This petition calls in question decision dated 18.05.2018 passed by respondent No.1, whereby the application under Section 22-A Cr.P.C, filed by the petitioner, was dismissed.

2. Learned counsel for the petitioner, *inter-alia*, contended that an application was filed before SHO Sabzi Mandi, Islamabad for registration of case on the basis that the proposed accused namely Syed Obaid Ullah in connivance with stamp vendor purchased stamp papers and forged a settlement agreement which the petitioner had never purchased nor executed. It was contended that since no F.I.R. was registered, the application was filed before respondent No.1 which was dismissed. It was submitted that bare perusal of the application

shows that a cognizable offence is made out against Syed Obaid Ullah/proposed accused.

3. Learned counsel for Syed Obaid Ullah entered appearance and submitted that the matter is pending in the Civil Court and the petitioner is trying to make out a criminal case from civil proceedings. It was further contended that no offence as such is made out in the facts and circumstances.

4. Learned State Counsel supported the version of the proposed accused and submitted that the original agreement was not provided nor the address of Syed Obaid Ullah was given.

5. Argument advanced by learned counsel for the parties have been heard and the documents placed on record examined with their able assistance.

6. The assertion of the petitioner is that in connivance with stamp vendor Syed Obaid Ullah purchased stamp papers worth Rs.200/-, whereas the parties had originally purchased stamp paper of Rs.40/- only and forged a settlement agreement on the same. It was submitted that under the facts and circumstances, a criminal case is made out. It is trite law that mere pendency of civil proceedings do not bar the criminal proceedings or registration of the case. All the police authorities have to see is whether under the facts and circumstances cognizable offence is made out.

7. In this view of the matter, the reasons which prevailed with respondent No.1 are erroneous. It is appropriate that the matter should have been referred to the police authorities to call the parties and inquire into the matter.

8. For the above reasons, the instant petition is **allowed** and the impugned order dated 18.05.2018 is **set-aside**; consequently, respondent No.3 shall call the parties i.e. the petitioner and the proposed accused as well as the

stamp vendor and inquire into the matter and if any offence is made out shall proceed in accordance with law.

(AAMER FAROOQ)
JUDGE

**M. Zaheer Janjua*

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