

**JUDGMENT SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**(JUDICIAL DEPARTMENT)**

**W.P No.3761 of 2020**

Muhammad Aftab Mughal  
**Versus**  
Justice of Peace (ASJ), etc

Petitioner By: Malik Abdur Rehman, Advocate  
State by: Mr. Sadaqat Ali Jahanghir, State Counsel.  
Mr. Ajmal Khan Khattak, Advocate for Baseer Khan.  
Baseer Khan, in person

Date of Decision: 15.02.2021  
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**Ghulam Azam Qambrani, J:** Through this petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, read with Section 561-A, Cr.P.C. the petitioner has invoked the jurisdiction of this Court, with the following prayer:-

*“In the light of these submission made and circumstances detailed above, the present petitioner most humbly submits that the instant Writ Petition may be accepted and the Impugned Order dated 01.12.2020 may most graciously be set aside in the best interest of justice.*

*Any other relief which this honourable Court deems fit may also be granted in favour of the Petitioner in the best interest of justice.”*

2. Briefly stated facts of the case as per contents of the petition are that Baseer Khan accused of F.I.R No.492 dated 13.11.2020 under Sections 353, 166 and 34 P.P.C., moved an application under Section 22-A Cr.P.C before the learned Justice of Peace for registration of FIR against the employees of C.D.A namely Aftab, Sagheer, Ismail and Malik Sohail and 25/30 others, stating therein that he runs a fruits/ vegetable stall at Street No.15 of Karachi Company Flats, Sector G-9/2, Islamabad; that on 13.11.2020, the accused persons along with 25/30 other unknown accused persons attacked at his stall, gave severe beating to him and his brothers, stole his cash amount of Rs.4,00,000/- from the drawer of the table

counter and took away his entire fruit and vegetables and the accused persons have deprived him of his hard earned livelihood. The learned Additional Sessions Judge vide order dated 01.12.2020 directed the S.H.O concerned Police Station to record the cross-version of the petitioner, if not already recorded. Hence, the instant petition.

3. Learned counsel for the petitioner contended that impugned order is illegal, unlawful and without any lawful authority; that the petitioner and others have been falsely implicated with malafide intention; that the petitioner and others were conducting an operation against the illegal and unlawful encroachments made on the state land and roads; that while passing impugned order, learned Ex-Officio Justice of Peace did not advert to real and actual facts of the case. Next contended that the impugned order is not maintainable and is liable to be set aside.

4. Conversely, learned counsel for Baseer Khan has opposed the contentions of learned counsel for the petitioner and contended that the petitioner alongwith others has looted the hard earned money of Baseer Khan amounting to Rs.4,00,000/- and also gave severe beating to him and his brothers, as such, this petition is not competent and is liable to be dismissed. Learned State Counsel also supported the impugned order and stated that the impugned order is in accordance with law.

5. I have heard the arguments of learned counsel for the parties and have perused the record with their able assistance.

6. The arguments advanced by learned counsel for the petitioner is that this case is based on malafide on the part of Baseer Khan, therefore, the impugned order may be set aside. Record shows that F.I.R No.492 dated 13.11.2020 under Sections 353, 166 and 34 P.P.C has already been lodged at Police Station Karachi Company, Islamabad, with regard to the same incident on the complaint of the petitioner against the accused Baseer Khan and others. The application submitted by Baseer Khan to the SHO, Police Station Karachi Company, Islamabad, prima facie, discloses commission of

cognizable offence and the SHO was bound to record cross-version of the accused Baseer Khan in the above said FIR, as such, no illegality or irregularity has been committed by the learned Ex-officio Justice of the Peace while passing the impugned order of registration of cross-version of the accused.

7. In the light of above, I do not find any illegality or irregularity in the impugned order dated 01.12.2020, calling for interference by this Court. The learned Justice of Peace, Additional Sessions Judge, after properly considering all the material available on record, has rightly passed the impugned order directing the S.H.O concerned Police Station to record cross-version of the accused Baseer Khan. This petition being devoid of any force is, therefore, **dismissed**.

**(Ghulam Azam Qambrani)**  
**Judge**

**S.Akhtar**