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Form No: HCJD/C-121.

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No. 14 of 2019

Sohail Maqbool Awan

Vs

Learned Addl. Sessions Judge/Ex-Officio 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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01) 03-01-2019. Mr. Sajid Mehmood Shad, Advocate for the petitioner.

Through this petition, the petitioner has assailed order, dated 17.12.2018, passed by the learned Ex-Officio Justice of Peace/Additional Sessions Judge, West Islamabad.

2. The facts in brief are that respondent No.2 had filed a written complaint before the concerned Police Station. However, criminal case was not registered and therefore, he had filed a petition under section 22-A of the Criminal Procedure Code (hereinafter referred to as "**Cr.P.C**"). The learned Ex-Officio Justice of Peace vide order, dated 17.12.2018, has directed registration of a criminal case under section 154 of Cr.P.C.

3. The learned counsel for the petitioner has been heard at length. He has contended

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that the senior officials of the Police Department had inquired into the matter and had concluded that a case was not made out and therefore, entertaining petition of respondent No.2 was not warranted under the law.

4. The learned counsel has been heard and the record perused with his able assistance.

5. Admittedly the written complaint was filed by respondent No.2, but a criminal case was not registered. The latter had approached the hierarchy of Police officials but they also did not pass any order for registration of a criminal case. Respondent No.2, therefore, invoked the jurisdiction of the learned Ex-Officio Justice of Peace. The latter after affording an opportunity of hearing to the parties passed the impugned order, dated 17.12.2018. The learned counsel for the petitioner despite his able assistance could not point out any legal infirmity or jurisdictional error requiring interference by this Court while exercising jurisdiction under Article 199 of the Constitution. The impugned order has been passed in accordance with the law enunciated by the august Supreme Court in case titled: "*Muhammad Bashir Vs. Station House Officer, Okara Cantt.*" [PLD 2007 SC 539].

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6. For what has been discussed above, the instant petition is without any merit and therefore, accordingly *dismissed in limine*.

(CHIEF JUSTICE)

Saeed.