

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

Writ Petition no.3453/ 2020

Farhat Ali and another
versus
Justice of Peace, Islamabad-East and others.

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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25.02.2022	Raja Usman Raza, Advocate for the petitioner. Mr. Asad Ullah Taimoor, learned state counsel. Fakhar Abbas-S.I, Police station Lohi Bher.
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This writ petition assails the order dated 13.11.2020 whereby the learned *ex-officio* Justice of Peace directed the police to register an FIR on the application of respondent no.3 *Fozia Saleem*.

2 The story starts with an FIR no.340/ 2020 dated 17.06.2020 under sections 371-A and 371-B PPC and sections 3/4 of Prohibition (Enforcement of Hudood) Order, 1979. Per the FIR, a raid was conducted at a guest house at sector E-11, where alcohol was recovered and several prostitutes were arrested. The FIR nominates *Falak Naz Pathan* as the operator of the prostitution den and one *Shahzad* as his manager.

3 Then followed *Fozia's* application to the police dated 30.06.2020 against the two petitioners, namely *Farhat Ali* and *Salahuddin*, the latter a police employee, that the two raped *Fozia* four years ago, compelled her to become a prostitute, promised her money, and after the FIR no.340/ 2020 was registered, threatened her life if she made any disclosures. The complaint mentions a bank account of *Salahuddin* where money was regularly deposited and

Fozia alleged that this money represented proceeds of prostitution.

4 The inquiry reports by the police on the record, not well written though, tend to show that the complaint was instigated at the behest of *Falak Naz Pathan*. The police inquiry is woven around the plot of business transactions between *Falak Naz*, *Farhat Ali* and *Salahuddin* pertaining to alleged car dealings and the story is crafted that the complaint was made to blackmail the petitioners in the said business transactions. However, no credible particulars of the alleged car dealings are stated in the inquiry. The blame has been thrown entirely on *Fozia*; two later affidavits of *Falak Naz* and *Shahzad* are relied on, which tend to exonerate both of them and the petitioners from the prostitution business, without explaining why *Falak Naz* and *Shahzad* were nominated in FIR no.340/ 2020 registered months earlier. The police report also states that no application was moved by *Fozia* in the last four years and her application was moved only after the FIR was registered against her. Her version was disbelieved because she was a self-confessed prostitute.

5 But clearly there is more than meets the eye. The petitioners are neither complainants nor witnesses in the aforesaid FIR no. 340/ 2020, and no reason is shown as to why *Fozia* would, after that FIR, level allegations against the petitioners at the instance of *Falak Naz*. Why would *Falak Naz* ask *Fozia*, all of a sudden, to nominate two independent persons having nothing to do with the raid on his prostitution den? How come the alleged “blackmailing due to car business” surfaced only after FIR no. 340/2020 was registered? Since when was the car dealing business taking place? Why did the police not bother to probe deeper into

the veracity of the alleged car dealings feeding the petitioner's bank account, for this forms the foundation of the petitioners' version and is pivotal to decide whether the bank balance was fed with car business or with the proceeds of prostitution as alleged in the complaint? The deposits in the bank account of *Farhat Ali* are sought to be explained as proceeds of dealings in cars but they are not inconsistent with the allegations in *Fozia's* complaint that the proceeds represented the unholy fruits of the prostitution business. One cannot dismiss outrightly the serious allegations leveled in *Fozia's* complaint of being forced into a life of prostitution with life threats by the petitioners.

6 There is a lot that needs to be looked into deeper by the police on the basis of the material that is so far shown to the court, including the call records of the conversation between the petitioners and *Falak Naz*, and to record the statement of *Fozia* in a proper investigation which can only be done after an FIR. If the petitioners are innocent as they claim to be in this writ petition, surely they would be able to satisfy the police in this regard once *Fozia* is investigated properly. Because of the seriousness of the allegations, including the threat to *Fozia's* life, it was not an improper order passed by the learned *ex-officio* Justice of Peace that is challenged in this petition. He is only to ask the police to register an FIR and investigate this matter thoroughly and properly. It is settled law that deeper appreciation of the matter by the Justice of Peace at the time of ordering registration of FIR is not required¹; he is to see if the contents of the complaint and other attendant circumstances disclose an offence, which he did, and, reviewing the record placed before me, I say he was right in doing so.

¹ 2019 YLR 1104, 2011 Y L R 2284

7 Resultantly, I do not find any illegality in the order impugned before me. This petition is therefore **dismissed**.

8 The observations made are for the purpose of disposal of this petition only and shall have no bearing on any other legal proceedings which will be conducted in accordance with law.

(SARDAR EJAZ ISHAQ KHAN)
JUDGE