

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

Criminal Revision No.59/2019.

Sharafat Ali Vs. SHO, P.S Bani Gala, Islamabad etc.

Petitioner by: Raja Ikram Amin Minhas & Mr. Amir
Zar Bhatti, Advocates.

Proposed accused Toqeer Ahmed by: Syed Zulfiqar Abbas Naqvi & Mr.
Mudasar Hussain Malik, Advocates.

Proposed Accused Rabnawaz by: Mr. Tahir Afzal Abbas, Advocate.

State by: Mr. Fareed Hussain Kaif, State
Counsel.

Muhammad Yousaf, S.I, P.S Bani
Gala, Islamabad.

Date of Decision: 21.06.2019.

MOHSIN AKHTAR KAYANI, J:- Through this criminal revision petition, the petitioner has assailed the order dated 14.05.2019, passed by learned Justice of Peace/Additional Sessions Judge-1 (East) Islamabad, whereby application filed by the petitioner U/S 22-A, Cr.P.C has been dismissed.

2. Learned counsel for the petitioner contends that the petitioner filed application for registration of FIR against the proposed accused, who resorted to firing upon the petitioner on 22.04.2019; that the application discloses cognizable offence but the same has not been appreciated by learned ASJ.

3. Conversely, learned counsel for the proposed accused contend that the proposed accused also filed an application for registration of criminal case on similar charges; that the petitioner himself resorted to firing although no one injured in the said incident.

4. The investigation officer put appearance before the Court and contended that both the parties have leveled false allegations against each other and SP (Inquiry) conducted the inquiry and submitted detailed report, wherein event of firing was neither proved nor any fire empty was recovered from the spot and the parties are loggerheads and are claiming registration of criminal case in

order to settle their land dispute, which is not possible without demarcation. The record further reveals that the petitioner filed application for registration of criminal case to the SHO, P.S Bani Gala about the alleged incident dated 22.04.2019 with the allegations that the proposed accused resorted to indiscriminate firing to grab the property, whereas the proposed accused also filed similar application, where-after the matter was referred to SP City Zone Islamabad, who has given detailed findings after hearing both the sides and came to the conclusion that incident of firing did not take place and the matter cannot be resolved without demarcation, even no fire empty was recovered from the spot, in such eventuality learned ASJ rightly passed the order while holding that where SHO is not inclined to register a case as required by the complainant, it would be appropriate for petitioner to file a private complaint before the Court of competent jurisdiction.

5. In view of above discussion, I have no hesitation to hold that the petitioner has an alternate remedy for redressal of his grievance. The instant criminal revision petition is devoid of merits, therefore, the same is hereby **dismissed.**

(MOHSIN AKHTAR KAYANI)
JUDGE

R.Anjam