

***Judgment Sheet***  
**IN THE PESHAWAR HIGH COURT,**  
**PESHAWAR**  
***(Judicial Department)***

***WP No. 3862-P of 2015***  
***Shamshad Alam Shah***  
***Vs***  
***SHO P.S Takht Bhai etc***

**J U D G M E N T**

Date of hearing.....**08.12.2015**.....

Petitioner(s).....

Respondent(s).....

**MUHAMMAD YOUNIS THAHEEM, J.-**

Through the instant constitutional petition, petitioner has called in question the impugned order dated 05.11.2015 passed by learned Justice of the Peace/ Additional District Judge-II, Takhbhai whereby application of the petitioner u/s 22-A Cr.PC was dismissed.

2. Brief facts of the case are that on 28.10.2015 at 15:15 hours, accused Sheraz alongwith others duly

armed with deadly weapons stormed at the house of petitioner and made firing upon petitioner, his brother Jan Alam and one Babar with the intention to kill them but they luckily escaped unhurt, however one accused namely Sheraz got injured from the firing of his own companions. To this effect petitioner went to the police station for reporting the matter but there a case against the petitioner, his brother Jan Alam and Babar has already been registered by the local police on the basis of malafide and arrested them. The petitioner requested to local police for registration of case against the accused Sheraz etc but in vain. The petitioner then approached to the Court of learned Justice of Peace by filing application u/s 22-A Cr.PC but the same was turned down vide impugned order dated 05.11.2015, hence this petition.

3. Preliminary arguments heard and record perused.

4. It is evident from the record that the petitioner filed an application u/s 22-A Cr.PC for registration of case against the accused persons for attempt to commit their Qatl-e-Amd but the respondents did not lodge the report, as the accused persons have already registered a case FIR No.398 against the petitioner and others u/s 324/34 PPC. It is also borne out from the record that brother of the petitioner namely Riaz Alam Shah has preferred an application for registration of the case before DIG, Mardan alleging therein that he and his brothers have dispute over landed property with Sheraz etc and to settle the matter, Sheraz and others duly armed came to their house made indiscriminate firing upon them and they also made firing in self defence as a result of which accused Sheraz got hit and sustained injuries. So the stance taken by the petitioner in the petition filed before the learned Additional Sessions Judge u/s 22-A Cr.PC and the allegations made in application preferred to DIG by his brother Riaz Alam Shah are conflict each other. Instead of application u/s

22-A Cr.PC they should file a criminal complainant by adopting legal course if so he desires. Hence, the learned Court below has rightly dismissed the application of the petitioner u/s 22-A Cr.PC, and this Court is not inclined to interfere with the impugned order.

5. Thus the instant petition is dismissed in limine.

**Announced.**

**08.12.2015.**

***JUDGE***

***JUDGE***

**Ihsan\***