

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Mushir Alam

Mr. Justice Qazi Muhammad Amin Ahmed

Civil Petition No.69-Q of 2015

(Against the judgment dated 04.02.2015 passed by the High Court of Balochistan in C.P. No.631/2014)

Jamal Khan

...Petitioner(s)

Versus

Secretary Home Department

...Respondent(s)

For the Petitioner(s):

Mr. Abdus Saleem Ansari, ASC

Mr. Manzoor Ahmed Rehmani, ASC

For the Respondent(s):

N.R.

Date of hearing:

09.09.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- Jamal Khan, petitioner, is in contest over a piece of land with rival claimants; they relied upon an arbitration agreement, purportedly executed way back on 2.2.2000; according to him, the instrument is fake as he never thumb marked any such agreement and, thus, the respondents were liable to be prosecuted for forgery and fraud. After his failure with the local police, the petitioner approached a Justice of Peace albeit with no better fate; a learned Division Bench of the High Court of Balochistan declined to issue a direction for registration a criminal case on the ground that *prima facie* the dispute inter se the parties was of civil nature as both sides were asserting their divergent claims on a common land. Inordinate delay and availability of alternate remedies were other considerations that weighed with the High Court.

2. Learned counsel for the petitioner contends that accusation disclosed commission of a cognizable offence and as such a statutory duty was cast upon the Station House Officer to register a

formal First Information Report so as to investigate the same and his failure was amenable to interference.

3. Heard.

4. Be that as it may, at the center of controversy is a thumb impression on an arbitration agreement being attributed to the petitioner, however, repudiated by him as forge. Report submitted by the police does not support petitioner's claim and there is consensus that both sides are locked in a dispute of civil nature. Against the above peculiar backdrop, refusal by the Justice of Peace to issue direction to the Station House Officer and non-interference by the High Court therewith do not suffer from any jurisdictional error or flaw calling for intervention by this Court. Petition fails. Leave declined.

Judge

Judge

Islamabad, the
9th September, 2020
Not approved for reporting
Azmat/-