

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II/JUSTICE OF  
PEACE ORAKZAI AT BABAR MELA**

**Cr. miscellaneous application No.01/6 Of 2020**

Abdul Hafiz vs SHO

Date of Institution: 21/02/2020

Date of Decision: 06/03/2020

**ORDER**

**06.03.2020**

Mr. Sanna Ullah Khan Advocate counsel for petitioner present. Syed Amir Shah APP for the state present. Comments/report of the SHO already received and placed on file.

The petitioner Abdul Hafiz s/o Muhammad Din Shah r/o Mishti Tappa Haider Khel Mishti Mela District Orakzai seeks to invoke the jurisdiction of this Court u/s 22-A Cr. PC for issuing directions to respondent No.1 for registration of FIR against respondent No.2 to 4.

Brief facts of the case as per contents of the petition submitted by the petitioner under section 22-A Cr.P.C are that, the petitioner is a taxi driver and earns his livelihood for his family through the taxi; that one Faheem Khan on 30-11-2019 booked his taxi for Kundanai village and the petitioner left the taxi stand with the said Faheem Khan; that when they reached to the said village, then on return the respondents No. 2 to 4 forcefully stopped the taxi at Kundanai Chowk, aimed their fire of weapon on him and asked him to go back and do not come again on this way otherwise they will not let him go on this way and extended life threats to the petitioner; that the taxi vehicle is owned by the petitioner is still parked in the said village and the

SHANUZA ALI  
Addl. District & Sessions Judge-II,  
Orakzai at Hangu

respondents are not permitting the petitioner to pass through the said way due to the fact that the petitioner took the said Faheem Khan in his taxi with whom the respondents have blood feud enmity; that the petitioner approached the police station for report however no proceedings were initiated against the respondents, therefore the petitioner has no other remedy but to file the instant petition u/s 22-A Cr.P.C.

The comments/report of the SHO PS concerned was sought and the comments were duly submitted on 27-02-2020 which is placed on file.

Arguments of learned counsel for the petitioner and learned APP for the state heard and record perused.

The contents of petition would reflect that the petitioner was wrongfully restrained by the respondents No. 2 to 4 who was proceeding in his taxi at village Kundanai. The petition also reflects that the petitioner was threatened by the respondents who were armed with fire of weapons and aimed their weapons on the petitioner to restrained him to go on the way at village Kundanai. The contention of the petitioner is also supported by the comments submitted by the SHO which shows that a cognizable offence has been committed by the respondents 2 to 4. The SHO being incharge of the Police station is bound to register FIR as provided u/s 154 Cr.PC whenever any information is received by him in cognizable offence. The petitioner reported the occurrence through his application to the concerned SHO but despite the fact that a cognizable offence was reported no FIR was registered against the respondents, hence the SHO failed to perform his duty to proceed in accordance with law. The occurrence was also brought in the notice of SDPO but the grievance of the petitioner was also not redressed.

SHRIKANT N. S.  
 Addl. District & Sessions Judge-II,  
 Orakzai at Manglu

The petitioner knocked the door of concerned quarters to redress his grievance but his grievance could not be redressed, therefore this court is inclined to issue directions to the SHO PS concerned for registration of FIR against the respondents as the offence for which the respondents are charged is cognizable.

In view the above facts and discussion the instant petition u/s 22-A Cr.PC is accepted and the SHO PS Lower Orakzai is directed to register FIR against respondents NO. 2 to 4 forth with without any further delay. The copy of this order along with petition u/s 22-A Cr,PC be sent to the SHO PS concerned for compliance. The copy of FIR be sent to this court.

File be consigned to District Record Room after necessary completion and compilation.

**Announced**  
**06-03-2020**



**(SHAUKAT ALI)**  
Additional Sessions Judge-II/  
Justice of Peace,  
Orakzai at Babar Mela  
**SHAUKAT ALI**  
Addl: District & Sessions Judge-II,  
Orakzai at Hangu