

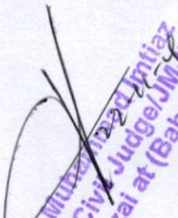
3

Case Title: Ilyas Khan VS Talib Jan

Or-----05
22.11.2019

*Complainant along with his Counsel Mr. Abid Ali Advocate present.
Respondent through counsel Mr. Shaheen advocate present.*

- a. Arguments already heard and record perused. Through this order I shall dispose of a complaint u/s 145 Cr.P.C filed by the complainant.
- b. Brief facts of the instant complaint are that the complainant has filed the instant complaint under section 145 Cr.P.C The complainant contended there was some sort of exchange of properties between him and the respondent in year 2016 through a local Jirga which was duly signed by both parties. Now respondent is forcibly interfering in the possession of complainant by not allowing the construction work of Complainant in the suit property. Respondent is also illegally interfering in the property of complainant and there is apprehension of breach of peace between the parties, hence, the present complaint.
- c. Respondent was summoned. He appeared and submitted reply wherein he admitted the facts narrated by the Complainant to the extent of exchange of properties but mentioned that he received less property as agreed, denied the apprehension of breach of peace and requested dismissal of complaint. Initial report from the SHO concern also requisite which was received and placed on file.

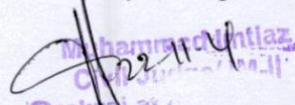

Civil Judge/Jirga
Orakzai at (Babar Meela)

Continued.....

Or-----05
Continued
22.11.2019

- d. Parties in presence of their counsel heard and record perused.
- e. Necessary ingredients for bringing law u/s 145 Cr.P.C into motion there must exist a breach of peace and there must be dispossession within previous two months of filing of complaint. There happened nothing in terms of breach of peace since the filing of complaint date and there is nothing available which could suggest the dispossession of any party within the previous two months. The dispute between the parties is of civil nature. Ingredients necessary for action u/s 145 Cr.P.C are not fulfilled.
- f. It is also contended by the respondent that there is no imminent danger of the breach of peace as even none of the party has applied to the local police to bound them u/s 107/151 Cr.P.C for keeping peace. This contention also finds support from the record as nothing is available on the file.
- g. Consequently, the petition is dismissed. Parties may approach to proper forum for redressal of their grievance, if so advised.
- File be consigned to record room after necessary completion.

Announced:
22/11/2019


(M. IMTIAZ)
JM-II/MTMC Orakzai