

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

Cr. miscellaneous application No.03/6 Of 2020

Syed Hakeem vs SHO PS Upper Orakzai

Date of Institution: 24/09/2020

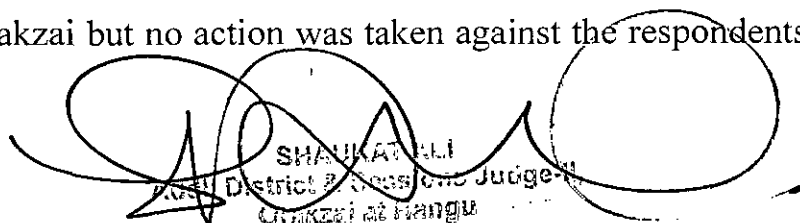
Date of Decision: 30/09/2020

ORDER
30.09.2020

Mr. Muhammad Farooq Khattak Advocate counsel for petitioner present. Javid Iqbal Anwar Sr.PP for the state present. Comments/report of the SHO received and placed on file.

The petitioner Syed Hakeem s/o Haji Sher Akbar r/o Khadi Zai, Tehsil Upper District Orakzai seeks to invoke the jurisdiction of this Court u/s 22-A Cr. PC for issuing directions to respondent No.12 for registration of FIR against respondent No.1 to 11 and 15 unknown persons.

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 respondents No.1 to 11 along with 15 unknown persons entered into crushing plant and block factory of the petitioner duly armed and kept the nephew of petitioner namely Mushtaq and Abdul Majeed in illegal confinement on gun point and also beaten them, that the respondents extended life threats and also demolished the constructed house, the boundary wall and damaged the crushing plant and generator, that the laborers were also kept in unlawful confinement, that the petitioner was informed that mad report No.10 Dated 09-09-2020 has been registered and no further proceedings were initiated against the respondents, that the petitioner also submitted application to the DPO Orakzai but no action was taken against the respondents, therefore the

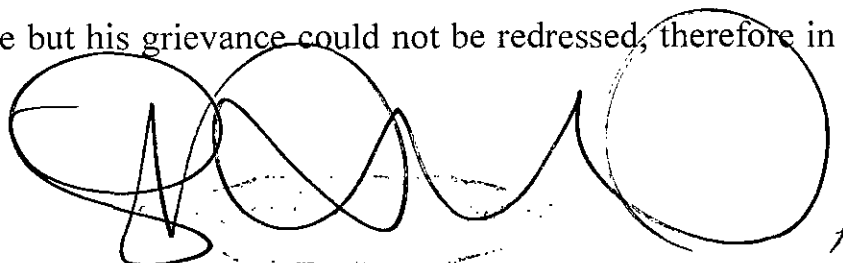

 SHAIKAT ALI
 District Sessions Judge-II
 Orakzai at Hangu

petitioner submitted through the instant petition for direction to the SHO for registration of FIR against the respondents.

The comments/report of the SHO PS concerned were sought which were duly submitted today on 30-09-2020 and placed on file.

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

The contents of petition would reflect that the respondents entered upon the crushing plant and block factory of the petitioner duly armed with fire arm weapons and sticks and used force and violence against the petitioner by beating them and keeping them in unlawful confinement. The record would further show that the respondents allegedly destroyed the construction raised by the petitioner and also caused damage to the crushing plant and generator of the petitioner. The comments submitted by the SHO also reflect that the respondents were duly armed with sticks and a wall constructed with bricks on the spot was damaged, hence the comments of SHO also support the version of petitioner. The perusal of application and available record along with comments of the SHO would reflect that a cognizable offence had been made out. In all cases of cognizable offences the SHO being incharge of the police station is bound u/s 154 Cr.PC to register FIR and the SHO in such cases is not required to conduct preliminary inquiry about the guilt or innocence of the accused which shall be seen at the stage of investigation after registration of FIR. The occurrence was also brought in the notice of DPO through an application submitted by the petitioner but the grievance of the petitioner was also not redressed. The petitioner knocked the doors of concerned quarters to redress his grievance but his grievance could not be redressed, therefore in view of



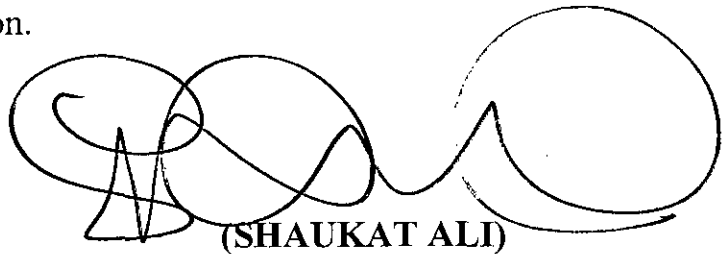
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the above facts this court is inclined to issue directions to the SHO PS concerned for registration of FIR against the respondents.

As sequel to the above discussion the instant petition u/s 22-A Cr.PC is accepted and the SHO PS upper Orakzai is directed to register FIR against respondents NO. 1 to 11 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
30-09-2020



(SHAUKAT ALI)
Additional Sessions Judge-II/
Justice of Peace,
Orakzai at Babar Mela