**ORDER SHEET**

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.

JUDICIAL DEPARTMENT.

**Writ Petition No. 3714 of 2020**

Mst. Tamom Jana, etc.

**Versus**

I.G. Police, etc.

| S. No. of order/ proceedings | Date of order/ Proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
|---|---|---|
| | 15.03.2022 | Petitioners in person,<br>Syed Shahbaz Shah, State Counsel with Hakim Ali SI. |

Through the instant writ petition, petitioners *(Mst. Tamom Jana & Abdul Hameed Khan)*pray for a direction against respondents 3 & 4 *(SHO and Hakim Ali ASI, P.S. Margalla, Islamabad)* to refrain from causing harassment, threatening, pressurizing and blackmailing the petitioners for withdrawal of all criminal matters initiated against respondents 5 to 8 (‘***private respondents’***)

2- Precisely, the petitioners and private respondents are tagged in criminal litigation i.e. FIR No. 208 dated 22.4.2020, under Section 354/34 PPC, P.S. Margalla and proceedings under Section 107/151 Cr.P.C. of the same Police Station.

3- The report furnished by the official respondents reveals that a skirmish has taken place inter-se petitioners and private respondents. The former lodged complaint at P.S. Margalla which culminated in proceedings in terms of Section 107/151 Cr.P.C. against both the parties. Meanwhile, parties effected compromise, however, on receipt of medical report, *qalandra*under Section 337-F(i) PPC was submitted against the accused persons. In addition, the SDPO Ramna also conducted a probe on the basis of which FIR No.208 stood registered on 22.11.2020 under Section 354/34 PPC. During investigation of the said FIR, several inhabitants of the vicinity got recorded statements in terms of Section 160 Cr.P.C. The investigation culminated that the complainant/petitioner has failed to prove her allegations by producing evidence/ witnesses. The accused in the said case was allowed bail

before arrest. Upon completion of investigation, report in terms of Section 173 Cr.P.C. was submitted before the Court of competent jurisdiction.

4- Heard, record examined.

5- The allegation, in substance, against the official respondents is contained in Paragraph-4 of the memo of the petition in terms that *"respondents 3 & 4 on the direction of respondents 5 to 8 contacted the petitioners and they are pressurizing, threatening and blackmailing the petitioners to withdraw the above said application, FIR registered by the petitioner No.1 and Qalandra lodged by petitioner No.2 against the private respondents*".

6- On the contrary, official respondents in their report denied to have caused any harassment or to exert any pressure upon the petitioners to withdraw their complaints against the private respondents.

7- In-addition, it is also noticed that it is nowhere mentioned in the petition that the petitioners ever moved the high-ups of the police with the complaint against the official respondents or lodged any complaint against the official respondents in terms of Section 22-A&B Cr.P.C. before the Ex-Officio Justice of Peace. It is thus obvious that petitioners have not availed efficacious alternate remedy before the Ex-Officio Justice of Peace in terms of Section 22-A(6) Cr.P.C. which stipulates that :-

> "22-A (6) an ex-officio justice of peace may issue appropriate directions to the police authorities concerned on a complaint regarding-
> (i) Non-registration of a criminal case;
> (ii) Transfer of investigation from one police officer to another; and
> (iii) Neglect, failure **or excess committed by a police authority in relation to its functions and duties**."
> [emphasis supplied]

8- To adjudge the adequacy of an available remedy, filing complaint with an ex-officio justice of peace is very much adequate and efficacious alternate remedy for an aggrieved person, with respect to its nature, extent of relief, point of time of availability of relief and the conditions on which that relief

would be available particularly the conditions relating to the expense and inconvenience involved in securing the same. Reliance is place upon ***Sher Afgan Khan Niazi's case*** **(2011 SCMR 1813).**

9- Inview of above, no further proceedings in the instant writ petition are warranted. It is accordingly **dismissed**.

**(ARBAB MUHAMMAD TAHIR)**
**JUDGE**

*A.R.Ansari*