ORDER-SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT

W.P. No.331 of 2022

Zahida Ayub Saleem
Versus
Additional Sessions Judge, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	01.02.2022	Mr. Muhammad Sohaib Arshad, Advocate.

Through the instant writ petition, petitioner has assailed the order dated 22.12.2021, passed by the learned Addl. Sessions Judge/Ex Officio Justice of Peace (West) Islamabad whereby her application under Section 22–A (6) of Cr.P.C., for registration of FIR against proposed accused, has been dismissed.

2- Learned counsel contended that the petitioner while proceeding to USA, in 1980 her father asked the petitioner for Power of Attorney regarding property to manage the affairs of the property and in the meanwhile, during her stay in USA, her father along with her real brothers had sold the said property without her permission and knowledge. That in the year 2018, when petitioner came back from USA after almost 40 years, the petitioner inquired about the status of her property and the rent so collected, the proposed accused paid no heed to the same rather started extending threats of dire consequences. It was further argued by the learned counsel that some forged papers have been prepared and forged signatures have been affixed on the

same and the petitioner wants to lodge FIR against the proposed accused.

3- Arguments heard. Record perused.

4- Perusal of the record reveals that the petitioner has arrayed her father and her real brothers as proposed accused and wants to get register FIR against them. Perusal of the record further reveals that a gift deed was executed by her father (proposed accused) in the year 1983 and the property was gifted to his real daughters Mst. Zahida Ayub (petitioner), Mst. Shahida Ayub, Mst. Tahira Ayub and Mst. Khalida Ayub. The petitioner was one of the donee to whom the property was so gifted while the other co-sharers in the property have not come forward with any such claim.

5- The learned counsel was asked by the Court as to whether the petitioner has in her possession any forged documents regarding the property, he answered in negative.

6- The learned counsel when confronted with the observation passed by the learned court of First Instance regarding location of the property at Rawalpindi, he conceded but at the same time stated that the petitioner presumed that certain forged documents have been prepared by the proposed accused in Islamabad, therefore, this Court is competent enough to take cognizance of the matter in hand.

7- It is observed that no alleged forged documents have been presented before the trial court or this Court to draw inference in favour of the petitioner’s claim. The trial court

has rightly observed that the property is situated in Rawalpindi and that the courts at Islamabad lack jurisdiction to issue direction for lodging of FIR.

8- In view of above, the instant writ petition is **dismissed in limine**.

(ARBAB MUHAMMAD TAHIR)
JUDGE

A.R ANSARI