JUDGMENT SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.

WRIT PETITION NO.3194 OF 2023

MST. AYESHA

VS

INSPECTOR GENERAL OF POLICE (IG) ISLAMABAD ETC.

Petitioner by	**:**	**Dil Mohammad Khan Alizai, Advocate.**
Respondents by	**:**	**Mr. Muhammad Qadeer Hussain Advocate, for the Respondent No.6.** **Mr. Tasawar Iqbal, State counsel.** **Mr. Turab S.I, P.S Golra Sharif, Islamabad.**
Date of hearing	**:**	**02.09.2025**

MUHAMMAD AZAM KHAN, J.

1. Through the instant Writ Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, (hereinafter referred to as the "**Constitution**"), Mst. Ayesha ("**Petitioner**") has impugned the Order dated 24.11.2022 **("Impugned Order")** passed by the learned Judicial Magistrate, Section 30, Islamabad-West vide which he agreed with the police opinion regarding the cancellation of the case registered against Javed Akhtar **("Respondent No.6")**.

2. The brief facts giving rise to the filing of the instant Petition are that the Petitioner/Complainant got registered FIR No. 89/2022 dated 15.01.2022 under Section 25-D of the Telegraph Act, 1885 at Police Station Golra, against Respondent No.6 on the allegation of extending threats during a phone call. Subsequently, on 13.09.2022, the police submitted a Cancellation Report in FIR No. 89/2022 before the learned Judicial Magistrate, Section 30, Islamabad-West. In response, notice was issued to the complainant for 24.11.2022. Vide the Impugned Order, the learned Judicial Magistrate concurred with the police's opinion and accepted the Cancellation Report. Being aggrieved by the Impugned Order, the Petitioner/Complainant has filed the present Writ Petition.

3. The learned counsel for the Petitioner/Complainant argued that the Impugned Order is against the law and facts; that the Respondents No.4 and 5

have not acted upon the mandate of Section 4(1) of the Cr.P.C and failed to collect the evidence regarding the occurrence narrated in the F.I.R; that the requirements of Police Rules, 1934 particularly Rule 24.7 and 25 have been violated by the Respondents No. 4, 5 and 8; that the Impugned Order has been passed without hearing the Petitioner/Complainant; that due to the Impugned Order, the Petitioner/Complainant has been seriously discriminated against. Lastly, learned counsel prayed for acceptance of instant petition and setting aside of the Impugned Order.

4. On the other hand, the learned counsel on behalf of Respondent No.6 argued that the learned Judicial Magistrate has passed a well-reasoned order; that nothing is available on record to connect the accused with the commission of the offence; that the Impugned Order does not suffer from any illegality or jurisdictional defect. Lastly, he prayed for the dismissal of the instant petition.

5. I have heard the learned counsel for the parties and have also perused the record with their able assistance.

6. The Petitioner/Complainant registered F.I.R. No.89/2022 under Section 25-D of the Telegraph Act, 1885, against Javed Akhtar (Respondent No.6) for extending threats of dire consequences from a mobile No.0334-6571597, which is in the use of a woman as per the contents of F.I.R. The police started investigation and finally, on 13.09.2022, a Cancellation Report was filed before the learned Judicial Magistrate, in which it is mentioned that Javed Akhtar (Respondent No.6) after obtaining pre-arrest bail appeared before the Investigation Officer and joined the investigation. The Report further reveals that during investigation, it came on the surface that the Petitioner/Complainant made calls on the number, i.e., 0334-6571597, and that the said number is registered in the name of one Mst. Samina resident of Multan.

7. The main grievance of the Petitioner/Complainant is that the learned Judicial Magistrate agreed with the Cancellation Report without giving an opportunity of hearing so that she could rebut the contention raised in the Cancellation Report. The order sheet of the learned Judicial Magistrate dated 13.09.2022 reveals that notice was issued to the Petitioner/Complainant for 24.11.2022 and after the service of the same, on 24.11.2022, the learned Judicial Magistrate, after going through the record and investigation conducted by the

local police, held that there is no incriminating material available to connect the Respondent No.6 with the commission of the offence and despite the service of the notice to the Petitioner/Complainant, she failed to appear. The learned Judicial Magistrate, thus, agreed with the police opinion and cancelled the F.I.R.

8. The Petitioner/Complainant was served with a notice and despite service, she failed to appear in person or through her counsel before the learned trial court. Even otherwise, as appears from the record and the investigation conducted by the I.O, it is clear that there is no incriminating evidence against the Respondent No.6 to be proceeded with for the trial on the ground that during investigation, it appeared that the Petitioner/Complainant made a call on the said mobile number and in addition to this, the said mobile number is not registered in the name of Respondent No.6. Hence, with these observations, the instant Writ Petition is **dismissed** being devoid of any merits.

(MUHAMMAD AZAM KHAN)
JUDGE

Announced in the open Court on this _____day of September, 2025.

JUDGE

Sajid/--