JUDGMENT SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.

WRIT PETITION NO. 4026 of 2024

RANA EHTASHAM ALI

Vs

EX-OFFICIO JUSTICE OF PEACE/ADDITIONAL SESSIONS JUDGE (EAST), ISLAMABAD, ETC.

Petitioner by	**:**	**Mr. Riasat Ali Azad, Advocate.**
Respondents by	**:**	**Respondents No.5 & 6 along with their counsel Raja Muhammad Shafiat Abbasi Advocate.** **Mr. Tasawar Iqbal, State Counsel.**
Date of hearing	**:**	**30.06.2025**

MUHAMMAD AZAM KHAN, J.

1. The Petitioner [Rana Ehtasham Ali] has filed the instant Writ Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 against the Order dated 28.11.2024 (**"Impugned Order"**) passed by the learned Ex-Officio Justice of Peace/ASJ, East-Islamabad (**"Justice of Peace"**) whereby the petition under Sections 22-A & 22-B of the Criminal Procedure Code, 1898 (**"Cr.P.C."**) filed by the Petitioner has been dismissed.

2. The facts leading to the filing of the present Writ Petition are that the Petitioner submitted an Application dated 14.06.2024 to Respondent No.2 [Senior Superintendent of Police, Islamabad], stating that on 31.05.2024 at about 6:50 PM, when he was returning from his plot bearing No. 200-A, Street No. 4, Block 8/A, situated at Green Spire/Green Gratia, Islamabad, and reached near Mama G Chowk, a Suzuki Mehran bearing registration No. VX-196 attempted to hit his motorcycle head-on. He avoided the collision, stopped his motorcycle at the side, and saw that Muhammad Ashraf was present in the driving seat who raised *lalkara* (threat) that he would kill him. Meanwhile, Bilal**,** son of Muhammad Ashraf, who was seated in the front seat holding a pistol, exited the vehicle with intent to kill him. The Petitioner alleged that the motive behind this incident was the prior registration of FIR No.476/24 at P.S. Koral, against Muhammad Ashraf. The Petitioner requested proceedings against the proposed accused Muhammad Ashraf and Muhammad Bilal. Despite submission of the complaint, no action was taken. Feeling aggrieved by the

inaction of Respondent No.2, the Petitioner filed a petition under Section 22-A Cr.P.C. before the learned Sessions Judge, West-Islamabad, seeking registration of an FIR. The case was assigned to the Additional Sessions Judge, West, Islamabad, who dismissed the petition vide Impugned Order. Dissatisfied, the Petitioner has now filed the present Writ Petition.

3. The learned counsel for the Petitioner argued that the application disclosed commission of cognizable offences; that under Section 154 Cr.P.C., it is mandatory to register an FIR where information regarding a cognizable offence is disclosed; that the failure of the Respondents, particularly the police, amounted to neglect, misuse of authority, and abuse of discretion; that the Impugned Order has resulted in a miscarriage of justice; that the learned Justice of Peace was obligated to issue a speaking order directing Respondents No.2 & 3 to register a criminal case, but instead exercised jurisdiction arbitrarily. The learned counsel prayed that the Writ Petition be accepted, the Impugned Order be set aside, and a direction be issued for registration of a criminal case under the relevant provisions of the Pakistan Penal Code, 1860 against the proposed accused named in the application already submitted.

4. The learned counsel on behalf of Respondents No.5 & 6/Proposed Accused, as well as the learned State Counsel, vehemently opposed the arguments advanced by the learned counsel for the Petitioner and supported the Impugned Order as being lawful and well-reasoned.

5. I have heard the learned counsel for the parties and examined the record available on file with their able assistance.

6. The jurisdiction conferred upon a Justice of Peace under Sections 22-A and 22-B Cr.P.C. is intended to redress legitimate grievances in cases where cognizable offences are reported but no action is taken by the police. However, where the police, upon inquiry, finds no substance in the complaint, particularly where previous criminal proceedings already exist on the same facts, such jurisdiction is to be exercised cautiously. The powers of a Justice of Peace are not designed to bypass the regular criminal process or to enable parties to misuse the system for exerting pressure in civil disputes.

7. In the present case, FIR No.476, dated 23.05.2024, under Sections 447, 511, and 506 PPC, was already registered at P.S. Koral**,** Islamabad, at the instance of the Petitioner against the same accused. The present complaint appears to be a continuation of the same underlying property dispute. The learned Justice of Peace correctly noted that the complaint sought to convert a civil dispute into a criminal case. The findings of the learned Justice of Peace are based on police inquiry and personal hearing of both parties and do not suffer from any legal infirmity.

8. It is also pertinent to observe that the Petitioner is not remediless. If he still believes that a cognizable offence has been committed, he is at liberty to invoke Section 200 Cr.P.C. by filing a private complaint before the competent Magistrate. This remedy enables him to substantiate his version through evidence, whereupon the Magistrate can proceed to summon the accused if a *prima facie* case is established.

9. In light of the above discussion, no case for interference under the Constitutional jurisdiction of this Court is made out, as the Impugned Order is well-reasoned. Consequently, the instant Writ Petition stands **dismissed**.

(MUHAMMAD AZAM KHAN)
JUDGE

Announced in the open Court on this _____ day of July 2025.

JUDGE

Sajid/--