JUDGMENT SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.

WRIT PETITION NO. 4028 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	**:**	**Respondent No.5, along with his counsel Raja Muhammad Shafait 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-IX, East-Islamabad (**"Justice of Peace"**) whereby his petition filed under Sections 22-A & 22-B of the Criminal Procedure Code, 1898 (**"Cr.P.C."**) has been dismissed.

2. The facts leading to the filing of present Writ Petition are that the Petitioner submitted an Application dated 30.05.2024 to Respondent No. 2 [Senior Superintendent of Police, Islamabad], stating that on 29.05.2024 at about 07:40 a.m., he, along with his brother namely Rana Ali Ammar, was present at his plot bearing No. 200-A, Street No. 4, Block 8/A situated at Green Spire/Green Gratia, Islamabad, in connection with construction work, when Ch. Ashraf, along with his companions, came there and forcibly stopped the laborers and masons from working and started abusing them. Ch. Ashraf said he would shoot the Petitioner as the Petitioner had lodged an FIR against him. The Petitioner requested that proceedings be initiated against the proposed accused Ch. Ashraf and his companions. Despite filing a 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 the registration of an FIR. The case was assigned to the Additional Sessions Judge-West, Islamabad, who dismissed the

petition vide Impugned Order. Dissatisfied with the Impugned Order, the Petitioner has now filed the present Writ Petition.

3. The learned counsel appearing on behalf of the Petitioner argued that, as per the contents of the application, cognizable offences are made out; that under Section 154 Cr.P.C., it is mandatory that if the information discloses commission of a cognizable offence, then the F.I.R. must be registered without any unjustified refusal; that the act of the Respondents purely falls under the ambit of neglect, failure, excess or misuse of power and authority by the Respondents/Police Officials; that the Impugned Order grossly caused miscarriage of justice, leaving the matter unaddressed; that the learned Justice of Peace was bound to pass an express speaking order directing Respondents No. 2 and 3 for registration of criminal case/F.I.R., but he exercised jurisdiction in an arbitrary and fanciful manner against the spirit of criminal law. In the last, learned counsel prayed that the instant Writ Petition may be accepted and the Impugned Order may be set aside and direction may also be issued to the Respondents to register the criminal case under the enabling provisions of PPC against the proposed accused named in the application already submitted before Respondent No. 2 by the Petitioner.

4. Conversely, learned counsel for Respondent No. 5, as well as the learned State Counsel, opposed the petition and supported the Impugned Order. It was argued that the matter in issue pertains to a civil dispute regarding ownership and possession of immovable property, and the allegations made by the Petitioner were found to be exaggerated and unsubstantiated during inquiry.

5. I have considered the arguments advanced by learned counsel for the parties and perused the available record.

6. While it is a settled principle that if information discloses the commission of a cognizable offence, the Police is bound to register an FIR, this rule is not absolute. The role of the Justice of Peace under Section 22-A Cr.P.C. is to ensure that frivolous, vexatious, or *mala fide* complaints do not lead to the registration of criminal cases. Mere allegations are not sufficient.

7. In the present case, the Police, after conducting an inquiry, reported that the allegations made by the Petitioner were not substantiated and were refuted by the proposed accused. The Impugned Order reflects that the learned Justice of Peace

considered the facts, the Police report, and the nature of the dispute before concluding that the petition lacked merit. The observations regarding the exaggerated and strained nature of the complaint, coupled with the background of an ongoing civil dispute, appear well-founded and reasonable.

8. Furthermore, it is pertinent to note that the remedy under Sections 22-A and 22-B Cr.P.C. is not the sole or exclusive mechanism available to the aggrieved. In case the Police refuses to register an FIR, and the complainant believes that a cognizable offence has indeed been committed, the law provides an alternate and efficacious remedy in the form of filing a private complaint under Section 200 Cr.P.C. before the competent Magistrate. This statutory mechanism enables the complainant to lead evidence in support of the allegations and seek appropriate legal redress.

9. In view of the above facts and circumstances, I am of the view that the Petitioner has failed to demonstrate that the Impugned Order suffers from any illegality, infirmity, or perversity warranting interference by this Court in exercise of Constitutional jurisdiction. The discretionary relief under Article 199 of the Constitution cannot be granted merely to compel the initiation of criminal proceedings in matters predominantly civil in nature. Therefore, the instant Writ Petition is found to be devoid of merit and is accordingly **dismissed**.

(MUHAMMAD AZAM KHAN)
JUDGE

Announced in the open Court on this _____day of July 2025.

JUDGE

/Mehboob/