JUDGMENT SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.

WRIT PETITION NO. 1411 of 2025

MUHAMMAD TARIQ

Vs

ADDITIONAL SESSIONS JUDGE-III ISLAMABAD (EAST), ETC

Petitioner by	**:**	**Syed Manzoor Hussain, Advocate.**
Respondents by	**:**	**Raja Zameer ud Din Ahmed, Assistant Attorney General.** **Mr. Waseem, SI, FIA.**
Date of hearing	**:**	**19.06.2025**

MUHAMMAD AZAM KHAN, J.

1. The Petitioner, through the instant Writ Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeks the indulgence of this Court for setting aside the Impugned Order dated 13.02.2025 **("Impugned Order")** passed by the learned Justice of Peace/Additional Sessions Judge, Islamabad-West whereby the Petitioner's Application under Sections 22-A and 22-B of the Code of Criminal Procedure, 1898 **("Cr.P.C.")** has been dismissed.

2. The brief facts giving rise to the instant Writ Petition are that the Petitioner filed an application under Sections 22-A and 22-B of the Cr.P.C., before the learned Justice of Peace/Additional Sessions Judge, Islamabad-West on 10.10.2024, seeking registration of an FIR against the accused persons for an alleged visa fraud involving a transaction of Rs. 3,637,500. Upon receipt of the said application, Respondent No.2 [Director FIA Immigration Passport Cell, Islamabad], through Respondent No.3 [SHO FIA Police Station, Islamabad], filed initial comments before the learned Justice of Peace. Subsequently, vide order dated 14.11.2024, the learned Justice of Peace directed the FIA authorities to conduct an inquiry and complete it within 30 days. The Petitioner duly presented the said order to Respondents No.2 and 3 for compliance, but the said Respondents flatly refused to initiate or conduct any inquiry. Thereafter, the Petitioner was constrained to again approach the Justice of Peace under Sections 22-A/B Cr.P.C. on 10.01.2025 due to non-compliance with the earlier order. On 17.01.2025, the Respondents filed a second set of comments with a version that significantly contradicted their earlier stance. Instead of ensuring

compliance with the earlier direction or evaluating the documentary evidence, including multiple affidavits and bank transaction records submitted by the Petitioner to support his allegations, the learned Justice of Peace dismissed the application vide the Impugned Order.

3. The learned counsel for the Petitioner contends that the Impugned Order is arbitrary, unreasoned, and contrary to law. It is argued that the Impugned Order is not a speaking one, is based solely on the comments of the Respondents, and completely disregards the substantial documentary evidence produced by the Petitioner, including witness affidavits, transaction proof, and an affidavit by one of the accused persons acknowledging the transaction. It is further submitted that the learned Justice of Peace failed to consider the binding principles laid down by the superior Courts regarding mandatory registration of FIRs in cognizable offences under Section 154 Cr.P.C., and also ignored the statutory obligations of the FIA under the Emigration Ordinance, 1979. The learned counsel emphasizes that under settled jurisprudence, the word "shall" in Section 154 Cr.P.C. denotes a mandatory duty upon the police to register an FIR upon disclosure of a cognizable offence. Reliance is placed upon judgments including PLD 2007 SC 539, 2005 PCrLJ 906, 2002 PCrLJ 2007, and PLD 2002 Lahore 78, which underscore the duty of law enforcement agencies to register cases upon receiving credible complaints. The failure of the Respondents to do so, as well as the non-speaking and perverse nature of the Impugned Order, has left the Petitioner with no alternative but to invoke the Constitutional jurisdiction of this Court. It is thus prayed that the Impugned Order be set aside in the interest of justice.

4. On the other hand, the learned Assistant Attorney General (AAG) produced reply/comments on behalf of the Respondent Federal Investigating Agency (FIA) and argued that, as per the contents of the complaint filed by the Petitioner to Respondent No. 2, no cognizable offence is made out against the proposed accused; that the Impugned Order passed by the learned Ex-Officio Justice of Peace is a well-reasoned order, passed while keeping in view the facts involved in the matter; that there is no illegality or irregularity in the Impugned Order; and that the instant Writ Petition may kindly be dismissed.

5. I have heard the arguments of the learned counsel for the Petitioner as well as the learned AAG and perused the available record with their able assistance.

6. The Petitioner seeks the setting aside of the Impugned Order passed by the learned Justice of Peace/Additional Sessions Judge, Islamabad-West, wherein the application under Sections 22-A and 22-B, Cr.P.C., seeking registration of an FIR against the proposed accused was dismissed.

7. Vide Order dated 17.04.2025, notices were issued to the Respondents and they were directed to file their parawise comments. Today, the learned AAG has submitted reply/comments on behalf of FIA. Perusal of the said reply/comments reveals that the Petitioner lodged a complaint before the FIA, alleging that he was defrauded in a visa transaction involving the sum of Rs. 3,637,500/-. Pursuant to the complaint, an enquiry vide No. 530/2024 dated 13.09.2024 was initiated by the FIA, and during the proceedings, both the Petitioner and the alleged accused, Muhammad Qaiser Manzoor Awan, were summoned. The alleged accused categorically denied any acquaintance or transaction with the Petitioner and explained that the dispute in question arose from a private transaction involving a third party, Sajid Ullah. In support thereof, the alleged accused submitted a notarized stamp paper, dated 19.03.2024, wherein the Petitioner was named only as a witness in a private dispute between said parties. The FIA, after granting ample opportunity to the Petitioner to substantiate his allegations, noted that the Petitioner merely produced bank transaction receipts but failed to link them with any documented or credible visa arrangement or fraud. As a result, the FIA concluded that no cognizable offence under the law was made out, and recommended closure of the enquiry due to lack of evidence.

8. It is a settled principle that the Justice of Peace, while exercising powers under Sections 22-A and 22-B Cr.P.C., is to determine whether the facts presented disclose the commission of a cognizable offence requiring registration of an FIR. In the present case, the Justice of Peace acted within the parameters of law and judiciously considered the material before him, including the FIA's detailed comments and findings. The Petitioner failed to provide any cogent documentary proof of visa fraud, nor could he rebut the FIA's conclusion that the dispute was essentially private in nature.

9. For what has been discussed above, this Court finds that the Impugned Order is a well reasoned and lawful determination, passed in accordance with settled principles, and does not suffer from any jurisdictional or procedural defect. The

Petitioner's assertions rest merely on unsubstantiated allegations and do not justify the registration of a criminal case in the absence of credible evidence.

10. Accordingly, the instant Writ Petition being devoid of merit is hereby **dismissed**.

(MUHAMMAD AZAM KHAN)
JUDGE

Sajid/--