JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT,
ISLAMABAD

W.P. NO. 2175 OF 2025

IMRAN ARIF JANJUA

VS

FEDERATION OF PAKISTAN THROUGH SECRETARY,
MINISTRY OF INTERIOR, ISLAMABAD, ETC.

Petitioner by	**:**	**Raja Rizwan Abbasi, Advocate.**
Respondents by	**:**	**Mr. Rohail Irshad Advocate for Respondent No.4.** **Raja Zamir-ud-Din Ahmed, A.A.G.** **Mr. Shams Khan, S.I FIA.**
Date of hearing	**:**	**26.06.2025**

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"**), Imran Arif Janjua **("Petitioner")** has prayed for the following:-

a. Declare the actions of the FIA officials involved as an abuse of process and direct the FIA to desist from harassing the Petitioner while withdrawing notice under Section 160 Cr.P.C dated 26.05.2025 issued to the Petitioner;

b. Direct the FIA to take immediate action on the complaint filed by the Petitioner regarding defaulted dues by Respondent No.4 and proceed in accordance with law as mandated to him by the Supreme Court of Pakistan in CMA No. 4821/2018 in SMC No. 1 of 2014;

c. Issue directions for the initiation of a departmental inquiry against FIA officers involved in the misuse of authority,

2. The brief facts of the case, as per the contents of the petition, are that the Petitioner is a public servant discharging his official responsibilities as Deputy Administrator (Plazas), Evacuee Trust Property Board (ETPB), an attached department under the Ministry of Religious Affairs & Interfaith Harmony Division, Islamabad. The Respondent No. 4, [Rana Muhammad

Imran], previously occupied three office units in the ETPB commercial complex, i.e., Offices No. 506-A, 506-B, and 506-C, on a monthly rental basis. All three tenancies were governed by separate tenancy agreements, the last of which expired on 31.12.2023. Upon expiry, the Respondent No. 4, without any lawful authority or extension of tenancy, remained in illegal occupation, in flagrant violation of the terms agreed and in continuous default of rental dues aggregating to PKR 9,973,882/- (Rupees Ninety-Nine Lakh Seventy-Three Thousand Eight Hundred Eighty-Two Only). Despite multiple notices and opportunities for reconciliation, issued under powers conferred upon the Petitioner under Section 25 of the Evacuee Trust Properties (Management & Disposal) Act XIII of 1975, the Respondent No. 4 neither vacated the premises nor fulfilled his financial obligations to the State. Consequently, legal proceedings under Section 25 of the Evacuee Trust Properties (Management and Disposal) Act, 1975 (hereinafter referred to as **"Act, 1975"**) were undertaken, and an ejectment notice was served on 20.05.2024, with a follow-up notice dated 01.07.2024. An Ejectment Order dated 09.07.2024 was passed against the Respondent No. 4 by the Petitioner on account of wilful default and illegal occupation. The order was implemented after due process, including sealing of the premises by the Assistant Security Officer, the Assistant Engineer, the Security Supervisor, Guards, and other technical team members of ET Plazas Islamabad. Rather than complying with the order or challenging it before the appropriate Appellate Forum, i.e., the Administrator, Evacuee Trust Property Board, the Respondent No. 4 resorted to malicious and illegal tactics to malign the Petitioner and to obstruct official proceedings. Vide Letter dated 25.07.2024, the Respondent No. 4 was formally requested to appear before the office of the Petitioner to facilitate lawful unlocking of the premises and preparation of an inventory in the joint presence of the District Magistrate and other concerned officers, thereby ensuring full transparency and procedural fairness. Despite having afforded ample time and opportunity to the Respondent No. 4 to cooperate, there was no response or compliance on his part. Therefore, to proceed under the law and avoid any procedural irregularity, the office of the Deputy Commissioner, Islamabad, was duly approached. Upon receipt of this request, the Deputy Commissioner appointed the District Magistrate to oversee the de-sealing of the subject premises. The said operation was thereafter conducted in the presence of the police and under official supervision. A formal and duly witnessed inventory list

was prepared at the site, detailing the articles found within the premises at the time of opening.

3. The Respondent No. 4 initially filed a complaint before the office of the Superintendent of Police (SP) Complaints, Islamabad, alleging unauthorized sealing and theft. Thereafter, he approached the Learned Sessions Court, Islamabad, by filing an application under Section 22-A Cr.P.C., seeking registration of a criminal case against the Petitioner. The said petition was thoroughly examined by this Court in Writ Petition No. 2670 of 2024, where the Court categorically rejected the allegations of the Respondent No. 4. Thereafter, the Respondent No. 4 lodged a complaint before the Federal Investigation Agency (FIA) and the Ministry of Interfaith Harmony. The Petitioner was exonerated by the Ministry of Interfaith Harmony from the allegations; however, the FIA registered FIR No. C/08/2025 dated 27.02.2025 against the Petitioner, and he was incarcerated. During the incarceration period of the Petitioner, possession of the Respondent No. 4 was restored on 07.03.2025. The Respondent No. 4 instituted a civil suit against the Petitioner and certain officers of the ETPB, wherein he has sought a declaration that the sealing of the premises was illegal. Thereafter, he again approached the Respondents No. 1 to 3 by filing applications. The Petitioner alleges that FIA officials are harassing him at the behest of the Respondent No. 4; hence, he filed the instant petition.

4. The Petitioner's counsel submits that the sealing of the premises was carried out by officials of the Evacuee Trust Property Board, not by the Petitioner personally, as he, being a judicial officer (Deputy Administrator), is not authorized to conduct such operations. That the office boy of the Respondent No. 4, namely, Mr. Shareef Nawaz, was present at the spot and is a witness to the entire proceedings, wherein only a lock and sealing notice was affixed on the main door of the office without entering the premises. The notice dated 26.05.2025 issued by the FIA's Anti-Corruption Circle, without any prior inquiry or legal basis, violates due process under Article 4 of the Constitution. The complaint stems from the Respondent No. 4, a known defaulter and illegal occupant, whose malicious allegations are politically motivated and intended to harass the Petitioner for lawfully executing an ejectment order upheld by the Islamabad High Court. The FIA's actions are arbitrary, unlawful, and in collusion

with the Respondent No. 4, reflecting institutional bias and selective application of law, thus violating Articles 9, 14, 18, and 25 of the Constitution. The Petitioner's own complaint against the Respondent No. 4 (Enquiry No. 12/2025) was ignored, highlighting discriminatory treatment and abuse of power. The registration of FIR No. C/08/25, despite exonerative findings and legal documentation, is a gross misuse of authority and the judicial process. The Petitioner's application for quashment was disposed of with directions to proceed under Section 265-K Cr.P.C. The ongoing campaign by the Respondent No. 4, involving false complaints, fabricated evidence, and misuse of FIA resources, constitutes blackmail and undermines the rule of law. The Petitioner prays for judicial intervention to quash the proceedings, ensure accountability, and prevent retaliatory misuse of institutions.

5. On behalf of the FIA, a report is submitted, according to which Enquiry No. 152/2025 dated 26.05.2025 is under probe at P.S. FIA Anti-Corruption Circle, Islamabad, against the Petitioner and others on the complaint of Rana Muhammad Imran (Respondent No. 4) qua the allegations of sealing the office No. 506-B located at Evacuee Trust Complex, illegally on 09.07.2024. The Petitioner and other officials of ETPB neither appointed a custodian nor made an inventory of valuable items which were present in the said office at the time of allegedly illegal sealing. The Complainant/Respondent No. 4 filed an appeal before the Zonal Administrator ETPB against illegal sealing of office as well as misuse of official positions by officers/officials of ETPB Islamabad. The Zonal Administrator ETPB, through a conditional order dated 05.03.2025, de-sealed the said office. After de-sealing the said property, it transpired that valuable items, including cash, were found missing from the office of the Complainant. The officers/officials misappropriated valuable items, including cash, from the office of the Complainant by using their official positions and are allegedly involved in corruption and corrupt practices. That during the enquiry proceedings, a Call-up Notice u/s 160 Cr.P.C. dated 26.05.2025 was sent to the Petitioner for recording of his statement in the light of record, laws, rules, SOPs, and facts of the matter, the response of which is still pending. That before the initiation of criminal enquiry, the contents of the complaint submitted by the Respondent No. 4 against the Petitioner were verified by the Verification Officer by submitting a Verification Report vide Tracking No. ICT-2237/25 dated 26.05.2025 and the

Verification Officer recommended the said complaint for conversion into a regular enquiry. The competent authority approved the said recommendations, and the said complaint was converted into a regular enquiry and registered vide No. 152/2025 dated 25.05.2025. That Enquiry No. 12/2025 is also under probe at P.S. FIA Anti-Corruption Circle, Islamabad, on the multiple complaints of the Petitioner against defaulters of Rental Dues of ETPB, and efforts are being made for recovery in compliance with the directions of the august Supreme Court of Pakistan in CMA No. 4821/2018 and CMA No. 01/2014.

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

7. The moot question before this Court is as to whether the Federal Investigation Agency can enquire or investigate on the same cause of action of alleged misappropriation of cash and valuables by the Petitioner, which was earlier agitated before the local police and the Ex-Officio Justice of Peace, and the matter was decided up to the Islamabad High Court, Islamabad, in favor of the Petitioner.

8. Before deciding the moot question, it will be necessary to mention the brief facts in the matter in question. The Respondent No. 4, Rana Muhammad Imran, son of Abdul Latif, is the Chief Executive Officer of M/S Pakistan Overseas Club and tenant of Evacuee Trust Property Board in Evacuee Trust Complex Islamabad for a tenancy period of three years, regarding three offices. The Petitioner, being Deputy Administrator (Plazas), ETPB, issued an ejectment notice to the Complainant dated 20.05.2024 due to default of payment of rent to the tune of Rs. 9,515,036/- (Rupees Ninety-Five Lakh Fifteen Thousand Thirty-Six Only), being the arrears till 20.05.2024. In response to the said ejectment notice, the Complainant wrote a letter to him requesting to reconcile the figures and adjust the security deposited against the default payment. On 01.07.2024, a second ejectment notice was issued, and after reconciliation of the figures, the arrears amounted to Rs. 9,973,882/- (Rupees Ninety-Nine Lakh Seventy-Three Thousand Eight Hundred Eighty-Two Only) regarding all three offices. Ultimately, the Order dated 09.07.2024 of ejectment was issued, while directing the Technical Branch of Evacuee Trust Complex to disconnect the electricity supply and seal the premises through the Security Branch of ET

Complex Islamabad, immediately. The premises was sealed accordingly. The Petitioner took the stance that the whole proceedings were conducted in compliance with the order of the august Supreme Court of Pakistan passed in CMA No. 4821 of 2018 in SMC No. 01 of 2014. A notice of information dated 25.07.2024 was issued to the Respondent No. 4 by Muhammad Waseem Khan, Assistant Engineer Maintenance ETPB, for information of the ejectment order against him on account of wilful default of Rs. 9,968,957/- (Rupees Ninety-Nine Lakh Sixty-Eight Thousand Nine Hundred Fifty-Seven Only), after the lapse of 15 days period for filing appeal before the next higher forum under Section 16 of Act XIII of 1975. This notice also included giving the opportunity/chance to attend the office of the Petitioner within a period of seven (07) days to get the inventory of assets placed in the premises prepared in his presence, so that the same could be placed in the store room for further disposal.

9. On 10.07.2024, i.e., after the sealing of the office of the Respondent No. 4, the Respondent No. 4 submitted an application for registration of FIR, before the Superintendent of Police (Complaint) City Islamabad, in which he narrates as follows: -

> *"With reference to the above subject it is stated that I am tenant of Evacuee Trust Property Board, Islamabad for the last more than five years in Office No.506-B, Evacuee Trust Complex, Agha Shahi Avenue, Fifth Floor, Sector F-5, Islamabad. On 9.7.2024 at about 11:00 a.m, while I was not present in my office, Imran Arif Janjua Administrator alongwith five other persons illegally trespassed in the office, threatened to the employees for dire consequences, harassed them and subsequently disposed my staff and restrained them from entering into the rented premises and illegally and unlawfully sealed my office without any reason and they committed illegal act for which they are liable to be prosecuted under the law. It may also be relevant to mention that no notice or right of hearing was afforded to me before taking the illegal action. It is also relevant to state that an amount of Rs.50,00,000/- (Fifty Lac), a Rado Wrist Watch Diastar Black valuing about Rs.24,00,000/-, a valuable imported furniture, 20 Apple Computers, Cheque books, office stamps and other office accessories valuable articles were also lying in the office. It is, therefore, requested that an FIR may be registered under the relevant provisions of law and proceedings according to law may be initiated accordingly."*

10. The local police failed to take any action on the said complaint, and ultimately, the Respondent No. 4 knocked the door of the Ex-Officio Justice of Peace under Section 22-A and B Cr.P.C., which was accepted and directed the SHO P.S. Secretariat, Islamabad, to record the statement of the Complainant and then to proceed in accordance with law. That order was assailed by the present

Petitioner before this Court in W.P. No. 2670 of 2024, and vide Order dated 12.11.2024, the order of the Ex-Officio Justice of Peace dated 10.09.2024 was set aside, and the application for registration of FIR was dismissed.

11. The Respondent No. 4 filed a suit for declaration that the premises was illegally and unlawfully sealed, along with a suit for damages, recovery of office articles/movable properties, and costs to be paid by the Petitioner/Defendant and the de-sealing of the premises, was filed on 23.12.2024 before the learned Senior Civil Judge, Islamabad-West. In Para No. 9 of the suit, the Respondent No. 4 averred that the details of the items owned by him, which were sealed on 09.07.2024 by the Petitioner among all others, and if not present at the time of de-sealing, will be considered to be stolen by the Petitioner/Defendant. The list of items is mentioned in the body of the plaint. The office was de-sealed by the orders of the Zonal Administrator, Evacuee Trust Property Northern Zone, Rawalpindi, on the application of the Respondent No. 4, subject to payment of Rs. 1.5 million (Rupees One Million Five Hundred Thousand Only), and the office was de-sealed, and a proper inventory was prepared in the presence of Muhammad Imran, Magistrate ICT, on 24.01.2025.

12. The Respondent No. 4, very astonishingly, pre-empted/presumed in his civil suit filed on 23.12.2024, that if the articles present in the sealed office were found missing at the time of de-sealing, then they would be stolen by the Petitioner. Meaning thereby that, in advance, he presumed that the articles would be stolen, and later on, he filed a complaint before the FIA Authorities regarding the theft/misappropriation of some valuable articles by the Petitioner. The Respondent No. 4 first availed the forum of local police, where he failed to substantiate his claim up to the Islamabad High Court, and after failure to achieve the desired goal, he submitted a complaint before another Investigation Agency. Admittedly, he received notices of ejectment from the office of the Petitioner due to his default in payment of rent to the tune of Rs. 9,968,957/- (Rupees Ninety-Nine Lakh Sixty-Eight Thousand Nine Hundred Fifty-Seven Only), and he responded, in which he requested for adjustment of his security amount against the default rent amount. After adopting the proper procedure by the Evacuee Trust Property officials, the Respondent No. 4's office was sealed, and later on, the said office was de-sealed on the order of the Zonal Administrator, Evacuee Trust Property Board Northern Zone,

Rawalpindi. The Respondent No. 4 failed to substantiate regarding the existence of such valuable items in his office before the sealing process by producing the purchase receipts of 20 Apple Company Computers, proof of withdrawal of Rupees five million from the bank, which he allegedly placed in his office, and if it is presumed that he was having such huge amount of Rupees five million then why he did not clear the outstanding rent dues of ETPB? Further, when the office was de-sealed in the presence of the Magistrate 1st Class, Islamabad, a proper inventory was prepared by him. In the present circumstances, it is clear that all the proceedings against the Petitioner were made with *malafide* intention, as the Respondent No. 4 was aggrieved by the sealing of his office.

13. Though the FIA is fully competent to enquire and issue notice under Section 60 Cr.P.C., but in the peculiar circumstances of this case, this Court is of the view that the Call-Up Notice is issued by the FIA without considering the facts in the instant matter. The FIA Authority should have first examined the complaint before issuing a Call-Up Notice, as in the circumstances of the instant case, the Respondent No. 4/Complainant was an admitted defaulter of rent of public dues, and his office was sealed after adopting all the legal formalities by the officials of ETPB. If the Government Officials are harassed in such a way, then it will be very difficult, rather impossible, to implement the writ of the State against the delinquents. The moot question is decided accordingly in the manner mentioned above in detail.

14. In addition to this, the matter in question is regarding misappropriation/stealing of some valuable property alleged by the Respondent No. 4 against the Petitioner, which does not relate to the affairs of the Federal Government in any way. Reliance is placed upon the judgment of the august Supreme Court of Pakistan cited in *Director General, FIA v. Kamran Iqbal* **(2016 SCMR 447**), the relevant portion is reproduced as under: -

> *"6. Keeping in view the intent of the Act as spelt out from the preamble and the fact that through the Act the FIA, in terms of the schedule to the Act has been granted jurisdiction and power to act in respect of several offences under the P.P.C. which are cognizable by the local police also, and also in order to avoid a conflict of jurisdiction, the only conclusion that the Court may draw is that for exercising jurisdiction in the matter of the offences enumerated in the schedule to the Act there has to be some nexus between the offences complained of and the Federal Government or else there shall be overlapping of the jurisdiction of the local police*

and the FIA creating an anomalous situation which certainly is not the intent of the legislature. Another aspect of concern is that though in terms of notification, bearing SRO 977(1)/2003, Section 489-F, P.P.C. has been made a scheduled offence under the FIA Act, but no reasonable classification has been provided for exercising such power and it is left to the discretion of the concerned officer of the FIA to exercise his authority and jurisdiction under the Act in respect of the said offence, which militates against the protection enshrined by Article 25 of the Constitution of Islamic Republic of Pakistan. If a citizen is exposed to the proceedings in respect of an offence lodged against him which could be initiated before more than one forums, a reasonable classification is the requirement of the Constitution."

15. In light of the foregoing discussion, the instant Writ Petition is **allowed**. Respondents Nos. 1 to 3 are hereby restrained from engaging in any form of illegal harassment or intimidation of the Petitioner.

(MUHAMMAD AZAM KHAN)
JUDGE

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

JUDGE

//Sajid//