ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No. 6049 of 2026

Shahid Irfan
Versus
The State etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	10.11.2026	**Mr. Kazim Raza Marwat, Advocate for the petitioner.** **Mr. Arshid Mahmood Kiani Deputy Attorney General on court's call.** Through this petition, the petitioner has called in question the legality of order dated 03.10.2026 passed by the learned Ex.Officio Justice of Peace/Additional Sessions Judge-West Islamabad whereby the application filed by the petitioner under Section 22-A/22-B Cr.P.C. seeking registration of FIR against the proposed accused was dismissed. 2. Heard. Record perused. 3. Perusal of the impugned order dated 03.10.2026 reveals that the same is a detailed, exhaustive and self-speaking order, wherein the learned Ex-Officio Justice of Peace has considered the relevant facts and circumstances of the matter as well as the report and parawise comments furnished by the Superintendent of Police Complaint concerned. A bare perusal of the observations recorded therein makes it abundantly clear that the controversy between the parties is predominantly civil in nature. The police have further reported that a monetary dispute exists between the parties and that several jirgas have also been convened to resolve the same, therefore, the dispute prima facie appears to be civil/financial in nature and no commission of any cognizable offence has emerged during the course of the inquiry. In the attending circumstances, the learned Ex-Officio Justice of Peace was fully justified in taking into

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consideration the report and parawise comments submitted by the Superintendent of Police Complaint. Such report, having been requisitioned by the learned Court in the course of proceedings, could not have been brushed aside or discarded without any cogent reason. Guidance in this regard may appropriately be drawn from the judgment of the Lahore High Court in **"**Khizer Hayat and others v. Inspector General of Police (Punjab), Lahore and others**" (PLD 2005 Lahore 470)**.

4. From the facts and circumstances noted hereinabove, prima facie, appears to be attempting to give a criminal colour to what is essentially a civil dispute, which course of action cannot be countenanced in law. It is a settled principle that the criminal process cannot be permitted to be employed as a substitute for, or as a pressure tactic in, civil litigation. In the circumstances of the present case, no exception can, therefore, be taken to the approach adopted by the learned Ex-Officio Justice of Peace. Wisdom in this regard is drawn from the principle enunciated by the Hon'ble Supreme Court of Pakistan in **"**Rai Ashraf and others v. Muhammad Saleem Bhatti and others**" (PLD 2010 SC 691)**.

5. For the foregoing reasons, I find no illegality, infirmity, irregularity or jurisdictional defect in the impugned order dated 03.10.2026 warranting interference by this Court in its constitutional jurisdiction. The petition, being devoid of merit, is accordingly **dismissed**.

(CHIEF JUSTICE)

ARSHAH"

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