

**IN THE COURT OF WAJID ALI,**  
**ASJ/ EX-OFFICIO JUSTICE OF PEACE, HARIPUR AT GHAZI**

Petition u/s 22-A of the Cr.PC No.

123/4

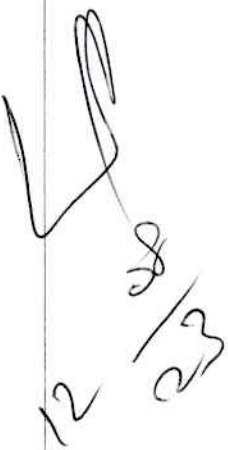
Date of Institution


17.07.2023

Date of Decision

12.08.2023

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1 Order.....05	2 12.08.2023	3 Petitioner present. Comments already received. Arguments already heard. 2. Petitioner namely; Muhammad Mushtaq s/o Muhammad Ameen r/o Ramdarra Tehsil Ghazi, seeks issuance of directions to the respondent/SHO Police Station Ghazi to register a criminal case against respondents namely; <ol style="list-style-type: none"><li>1. Muhammad Parvez</li><li>2. Muhammad Ozair alias Babo</li></ol> Sons of Muhammad Shareef, residents of Ramdarra Tehsil Ghazi District Haripur, under relevant sections of law for the commission of offence. 3. Vide Mad No. 18 dated 05.07.2023 on the even date at about 14:40 hours, the petitioner reported the occurrence that at about 01:30 PM, the respondents restrained them from construction work by pelting stones. Thereafter, they started swearing and assaulting due to which they sustained injuries. The petitioner contends that they approached the local police for registration of FIR in respect of report vide Mad No. 18 dated 05.07.2023 however the District Public Prosecutor (DPP) rendered opinion against the facts upon which the local police did not lodge FIR under the relevant sections of law; that the petitioners/injured

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		<p>have sustained injuries which constitute a cognizable offence and they were also criminally intimidated but even then no proceedings were initiated against the respondents, hence the petition.</p> <p>4. Comments were requisitioned and received on 07.08.2023. SHO confirmed the arrival of the petitioner to the PS and contends that his stance was duly incorporated in referred Mad report; that his inquest report was prepared and then his medical examination at THQ Ghazi was conducted; that vide application dated 06.07.2023, local police sought opinion in respect of injuries caused to the petitioner; that on 12.08.2023 at the margin of <i>ibid</i> application, it was held that the contents of report coupled with medical and dental surgeon report, no cognizable offence is made out. Lastly, it was contended that there is a dispute over joint property due to which every now and then they approach the local police and other institutions over petty matters.</p> <p>5. Arguments heard and record perused. Record reflects that although vide Mad No. 18 dated 05.07.2023, the complaint of the petitioner was registered however when referred to the medical officer, he opined laceration on right hand, fracture of upper jaw and referred the injured Muhammad Mushtaq for dental</p>

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		<p>surgeon opinion. He although opined about fractured right lateral incisor however termed that the same were already having cavity and not healthy. The learned District Public Prosecutor (DPP) also based his opinion on the same. Although the learned DPP, has furnished his opinion about the non-cognizable offence however when it is confirmed that the teeth were fractured as evident from medical reports, in such circumstances, its health condition of a tooth or already having any cavity, seldom makes any difference.</p> <p>6. Hence, keeping in view the contents of application and other annexed documents, a cognizable offence seems to have been committed, therefore, the SHO of PS concerned is directed to lodge the FIR. It is worthwhile to be mentioned here that after lodging of FIR, the SHO concerned has numerous powers i.e. to refuse to embark upon investigation and if he so proceeds with the investigation and finds the case to be frivolous may start proceedings u/s 182 of the PPC against the complainant.</p> <p>7. Copy of this order be sent to SHO concerned for compliance. This file be consigned to the Record Room after its necessary completion, compilation and scanning.</p> <p><b><u>Announced</u></b> 12.08.2023</p> <p style="text-align: right;">   <b>(WAJID ALI)</b>  <i>ASJ/Ex-Officio Justice of Peace,</i>  <i>Haripur at Ghazi.</i> </p>