

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN
AT GILGIT**

Cr.P.L.A. No. 02/2014.

**Before:- Mr. Justice Rana Muhammad Arshad Khan, Chief Judge.
Mr. Justice Raja Jalal-ud-Din, Judge.
Mr. Justice Muzaffar Ali, Judge.**

Sadaqat Ali son of Walayat Ali resident of Chongra Tehsil & District Astore.

Petitioner/Complainant

VERSUS

1. Inspector General of Police Gilgit-Baltistan.
2. Superintendent of Police District Astore.
3. Hamidullah ASI/IO of the case.
4. Hafeez SHO Police Station Astore r/o Bonji.
5. Hafeez ASI District Special Branch Astore.
6. Janan.
7. Farman son of Niamat.
8. Iqbal.
9. Intiaz son of Farman.
10. Mubashir
11. Israr son of Janan resident of Village Chongra District Astore.

Accused/Respondents

**CHARGES UNDER SECTION 365-B/114 P.P.C 9/14
HUDOOD ORDINANCE VIDE F.I.R. NO.35/2013 POLICE
STATION CITY ASTORE.**

**PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 61 OF
(EMPOWERMENT AND SELF GOVERNANCE) ORDER 2009
AGAINST THE IMPUGNED JUDGMENT/ORDER DATED
27/2/2014 LEARNED SINGLE JUDGE CHIEF COURT
WHEREBY THE ABOVE MENTIONED F.I.R. NO.35/2013
HAS BEEN QUASHED AND ON THE BASIS OF THE ABOVE
JUDGMENT/ORDER DATED 27/2/2014 OF THE LEARNED
CHIEF COURT THE APPLICATION OF THE PETITIONER
FOR RE-INVESTIGATION OF THE ABOVE CRIMINAL CASE
IS ALSO DISPOSED OFF BY THE LEARNED CHIEF COURT
VIDE JUDGMENT/ORDER DATED 14/3/2014.**

Present:-

Mr. Amjad Hussain, Advocate for the petitioner.
Advocate General Gilgit-Baltistan for the respondents.
Haji Jamal Khan, Advocate on record.
Mr. Hamayoun, SHO Police Station Astore.

Date of Hearing:- 13-11-2014.

ORDER

RAJA JALAL-UD-DIN, J.....This petition has been preferred for the re-investigation of the criminal case registered at Police Station Astore vide F.I.R. No. 35/2014 under section 365-B. 114 P.P.C and 9/14 Hudood Ordinance 1979.

The complainant of case namely Sadaqat Ali son of Walayat Ali alleged that his legally wedded wife Mst. Raheela Baigum had been abducted by the respondent No. 5 to 11. The investigation of the case was interested to Hamidullah ASI, who recorded the statements of PW's who are not acquainted with the facts of the case and planted fabricated witnesses. Based on the said statements the Investigating Officer released all the accused under 169 Cr.P.C.

The Chief Court Gilgit-Baltistan quashed the stated F.I.R for no tangible reasons and without any information nor notice to complainant. The petitioner seeks re-investigation of the case through an impartial and honest police official.

The counsel for the petitioner is heard at great length and the record has been perused in the light of the same. The F.I.R which has been registered on the complaint of Sadaqat Ali reveals that his wife namely Mst. Raheela was missing in the morning of her first night from his home and requests investigation against 6 named persons who may have abducted her. He also found missing Rs. 470,000/. (Four Lac Seventy Thousand) hard cash and ornaments worth to Rs. 700,000/. (Seven Lac). On the complaint of the petitioner investigations were started. In this connection the lady Raheela was searched and found in cattle shed.

The Investigating Officer recorded the statement under section 161 Cr.P.C and latter on under section 164 Cr.P.C. The statement of Mst. Raheela does not give any reflection or indication of her

abduction by anybody but states that she had run away from the house of her husband on her own sweet will.

One Mubashir son of Janan was alleged to have abducted the lady Raheela. In the meantime said Mubashir son of Janan preferred an application under section 561-A Cr.P.C for the quashment of the F.I.R. No.35/2013 Police Station Astore. The said petition was adjudicated by the single bench of the Chief Court Gilgit-Baltistan dated 27/02/2014, whereby the F.I.R. No.35/2013 was quashed.

The complainant Sadaqat Ali s/o Walayat Ali had moved various applications against the Investigating Officer for his biased investigation before the concerned police officials but to no avail hence an application under section 561-A Cr.P.C for re-investigation of the case was preferred on 29/10/2013, which was disposed off vide the findings of the single bench of Chief Court Gilgit-Baltistan vide its order dated 14/03/2014.

The Trial Judge in his concluding para has observed that the re-investigation of the said case is not possible as the F.I.R has already been quashed vide order dated 27/02/2014. The petitioner was also advised to set aside the order 27/02/2014 which is in field and re-investigation of a case cannot take place where there is a non-existent F.I.R.

We have given thorough thought to the contentions raised and find as under,

“The contents of the F.I.R alongwith the other statements placed on file, we find no connection of Mubashir son of Janan for abduction, inciting, enticing the lady to run away from the wedded husband thereby no criminal onus can be placed against him for the commission of the offence.

The fresh investigation, as desired would not have met any end in the application of the individual Mubashir son of Janan.

The statement of the lady Mst. Raheela under section 161 and 164 Cr.P.C does not give any indication that the lady Raheela had been abducted. In a net shell no case of further investigation is required as such.

Regarding the quashment of the F.I.R by the Chief Court Gilgit-Baltistan has not been hotly perused by the complainant as he was given the option by the Chief Court Gilgit-Baltistan in its order dated 14/03/2014, hence the same need not be discussed.

The lady Raheela has also preferred a civil suit for dissolution of marriage against the petitioner in the civil court as informed by the counsel for the parties.”

Keeping in view the above stated facts, we feel that the petitioner has got no case for interference by this court. Hence dismissed.

Announced:- 13-11-2014.

Chief Judge

Judge

Judge