



*where they are residing and shops of Abdul Raheem Muhammad Rafiq, Sheikh Ejaz Ahmed are also situated there, that complainant immediately rushed to the site and found building was being demolished by shovel, complainant and other residents resisted to such demolition but 10 armed persons on the show of weapon threatened the complainant side to fire upon them directly if complainant side tried to resist, hence they approached the police station and lodged FIR”.*

2. Admittedly all the applicants are shown as victims/witnesses, however it has come on record that the FIR was investigated and case was disposed of under “C” class, that order has been questioned before this court which proceedings are pending for adjudication. Accordingly the trial court dismissed those criminal miscellaneous applications as infructuous on account that such offence was already reported at the police station and there was no need to lodge separate FIR. It is settled principle of law that with regard to same offence if there is an FIR any witness or victim shall be joined and no separate FIR is required. In present case applicants are also witnesses in the FIR.

3. With regard to plea that applicants tried to record their statement before the I/O but he failed to record their statements. It would be pertinent to mention that investigating officer was under legal obligation to record the statement of witnesses (victims) hence applicants are allowed to join the proceedings which are pending before this court wherein Order passed under section 173 Cr.P.C. is in question, or they would be at liberty to file application before

concerned DIGP for fresh investigation. These criminal miscellaneous applications are dismissed.

Office shall place copy of this order in connected cases.

**J U D G E**

IK