

As per reports furnished by the police, there is a civil dispute between the parties. Obviously, such dispute the applicant intends to resolve by involving the proposed accused in a false case malafidely. In these premises, learned Ex-Officio Justice of Peace was right to decline issuance of directions against the police for recording the FIR of the applicant for the alleged incident by way of the impugned order, which is not found illegal to be interfered with by this Court.

In the case of *Rai Ashraf and others vs Muhammad Saleem Bhatti and others* (PLD 2010 SC 691), it has been held by Apex Court that;

“The learned High Court had erred in law to exercise discretion in favour of the respondent No.1 without realizing that the respondent No.1 had filed application before the Additional Sessions Judge/Ex-Officio Justice of the Peace to restrain the public functionaries not to take action against him in accordance with the LDA Act 1975, Rules and Regulations framed thereunder, therefore, respondent No.1 had filed petition with mala fide intention and this aspect was not considered by the learned High Court in its true perspective.”

Consequent to the above discussion, the instant Crl. Misc. Application is dismissed in *limine*.

J U D G E