

# 22-A/ 22-B CrPC

---

## *Application U/S 22-A/22-B Crpc moved to destroy the prosecution case with ulterior motive*

Ss. 22-A, 154 & 561-A---Application for quashing of proceedings---First F.I.R. was registered against the accused (petitioner) for murdering one of the sons of the complainant and injuring the other---Second F.I.R. was registered against the accused on the same day when he fired upon the police party, which was trying to arrest him in connection with the first F.I.R.---Powers of Justice of Peace---Scope---Accused filed an application under S.22-A Cr.P.C. before Justice of Peace for registration of case against complainant's wife and son, with the allegation that on the directions of complainant's wife, her son fired upon the accused, as a result of which he was injured, but said application of accused was dismissed by the Justice of Peace---Validity---Accused had been directly charged in the first F.I.R. for the murder of one of complainant's son and causing serious firearm injuries to the other---Accused was wanted for the first F.I.R. and was followed and arrested by the police, after sustaining injuries at the hands of the police, which fact had been recorded in the second F.I.R.---Contents of second F.I.R. revealed that a police official had taken the responsibility of injuries on the person of the accused in unequivocal term without any reservation, narrating all the details of how the injuries were caused---Attempt on part of accused to get a case registered against the complainant's wife and son for some ulterior motives seemed a shrewd attempt---Section 22-A, Cr.P.C. empowered the Justice of Peace for issuance of directions for registration of case, but this power, was never supposed to be exercised in a mechanical manner, without application of an independent mind---All such powers were vested in the authority for dispensation of justice and were never meant to be exercised in aid of injustice---Any direction issued by the Justice of Peace for registration of case in the present application, would have advanced the mala fide design of the accused to destroy the prosecution case for ulterior motive and would have amounted to misuse of a legal provision of a statute---Courts were never supposed to shut their eyes from other aspects of the case and to pass orders for registration of case on a false report of any complainant---Justice of Peace had committed no illegality or any irregularity by refusing to issue direction to the Station House Officer (S.H.O.) concerned, for registration of the case against complainant---Application of accused for quashing of order was dismissed, in circumstances.(2012 YLR 1836 PESHAWAR-HIGH-COURT-NWFP)