

**IN THE COURT OF ILLAQA MAGISTRATE, P.S
SADIQABAD, RAWALPINDI**

The State versus Raja Ahmed Gujar Khan etc.

FIR NO 210000/20 DATED 15-05-2020 OFFENCE U/S 279, 337G &
SUBSEQUENTLY ADDED OFFENCES UNDER SECTIONS 354, 452, 147,
427, 149, 337FV PPC P.S SADIQABAD , RAWALPINDI

APPLICATION UNDER SECTIONS **249-A & 250** OF CR.PC FOR
ACQUITTAL OF APPLICANTS/ACCUSED FROM THE CHARGES IN
ABOVE-MENTIONED FIR AND FOR COMPENSATION

Respectfully Sheweth:-

1. That the above mentioned case is pending adjudication before this Honorable Court and fixed for today.
2. That the instant case is **false**, frivolous, baseless and ill-founded, due to malafide of complainant & Police, evident from number of reasons/ grounds **floating on the surface**, the detail of which is given below:-

Actual occurrence

In fact, on 13-05-2020, the applicants/ accused' party Vehicle Suzuki Carry Daba Registration No. RIO-4554687, was broken/damaged by the complainant party, due to the **grudge** that the vehicle was parked near complainant's house. The complainant party straightened pistol and extended life threats to the applicants/ accused party. Matter was immediately reported by applicants/ accused party not only to **15 Police** but also to concerned police station on same day i.e 13-05-2020 through written application without any delay. *(Application dated 13-05-2020 along with receipt is annexed)*

Malafide of Complainant Party

- a. As the applicants/ accused party had filed application dated 13-05-2021 against complainant party before Police Station

therefore, to **encounter** the application of applicant/ accused party dated 13-05-2021, the complainant party, after due deliberation & consultation, in league with local police, with a **delay of 02 days**, succeeded to get register above-said false and frivolous FIR against the applicant/ accused party, laying **wider** net, also involving Accused (Umer Gohar Ali) who is *Mohallah Dar*, who tried to reconcile the matter. *(Copy of FIR is annexed)*

- b. Though the complainant party **hurriedly** mentioned the names of **03 so-called witnesses** in the above said false & frivolous FIR but **no statements of these witnesses** under section 161 Cr.PC were ever got recorded to Investigating Officer, which shows clear malafide on the part of complainant party, to involve the applicants/ accused party in above said FIR.
- c. That admittedly **no names of alleged victims ladies**, are mentioned in the above said false FIR rather only mentioned “Aurton k Kapray Pharay”. The complainant party especially **Malik Irfan** are characterless persons, have no reputation in the vicinity.

Malafide of Police

- d. On **02-09-2020**, the applicants/ accused party moved a Petition under section **22-A, 22-B** Cr.PC before Sessions Judge Rawalpindi for lodging of FIR on the application dated 13-05-2020, against the complainant party. Due to this **grudge**, after getting knowledge of same, the then Investigating Officer, on the very next day i.e on **03-09-2020**, Vide Zimni No. 4, added many other offences under section 354, 452, 147, 149 PPC and that too **without any evidence**, just to teach the lesson to the applicants/ accused party. *(Record is annexed).*
- e. That **three applications** For (1) Inquiry (2) Change of Investigation (3) Legal Opinion were filed by applicant/ accused before CPO & DSP (Legal), Rawalpindi, which were marked to concerned ASP, but the staff of concerned ASP, had joined

hands with the local police and did not consider the statement of witnesses of the accused made before ASP nor mentioned in the reports. All the **03 reports of** police on the applications stated above are totally same **word by word**, just application number and date are **changed**. The learned ASP or his staff, even did not see the contents of application and their purpose and straightaway, mentioned that this application of “Change of Investigation”, disposed of the same. In fact, the purposes and requests of all three applications were different, which shows clear malafide on the part of police.

Contradictions in the Prosecution Story

- f. There are **three** contradictory statements made in (1) Naqsha Madroobi (2) FIR (3) Supplementary Statement of complainant, the detail of which is given below:-

1.	Naqsha Mazroobi	The alleged Injured Abdul Rehman aged about 02 Years, is stated to have been injured during quarrelling
2.	FIR	The vehicle of applicant/ accused party run-over the leg of alleged injured child
3.	Supplementary statement	The vehicle of accused party run-over the Foot of alleged injured child

Contractions in Ocular & Medical evidence

- g. The statement of complainant regarding running of vehicle over the leg or foot of alleged injured child is **unbelievable**, because as per MLC No. 254544/2020, the Doctor Observed **“Incomplete Fracture is seen in Right Fibula”**. In fact, a fibula fracture (a very **Weak** bone) can be caused due to a **rolled ankle** but can also be due to an awkward landing. On the other

hand, if a Suzuki Carry Dabba with a Weight of 550 KG, run over the leg of any person and that too of only 02 years, would not only cause fracture and that too **incomplete** but also **completely damage** the leg. *(Information taken from internet is annexed)*

- h. That the applicants/ accused party had **challenged** the impugned **MLC No. 254544/2020** before this Honourable Court, which was **allowed**. During the proceedings, the complainant party **deliberately did not appear** before the court despite of granting various opportunities, as evident from the order sheet of this Honourable Court.

Delay in lodging of FIR

- i. That there is an inordinate **delay of 2- ½ days** in lodging of FIR which shows that the complainant party had made due deliberation and consultation with each other and with police to involve the innocent applicants in the false FIR.

Miscellaneous Grounds

- j. That the alleged **Torn clothes** have not been taken into custody by the police till today.
- k. That **no specific role** whatsoever has been attributed to the petitioners rather general role just to spread the **wider net**.
- l. That the **many witnesses** have also sworn their affidavits before the Investigating Officer about innocent of applicants/ accused and about actual facts.
- m. That the after change of investigation, the **new Investigating Officer**, took the statement of neighbors of complainant party, as per which, they admitted that the applicants/ accused party **never entered** into the house of complainant party.
- n. That the alleged accident is stated to have been occurred in front of the house of complainant party. The house of

complainant is at the **corner / turn** of the street, and there are many encroachments in the street, so it is impossible for any driver of a vehicle to drive the vehicle rashly and speedily.

- o. That the complainant party has **not challenged the deletion of offences** under section 452, 337F(v) PPC during bail proceedings by the High Court, in any forum till today, which shows that the FIR was lodged just to entangle the innocent applicants and to encounter the application dated 13-05-2020 filed by applicant /accused.

PRAYER:

In these circumstances it is humbly prayed that the instant application may kindly be accepted and the applicants/ accused persons may kindly be **acquitted** from the charges being false, frivolous, baseless.

It is further prayed that the applicants/accused persons may kindly be awarded **compensation** amounting to Rs. 25,000/- under section 250 of Cr.PC to each accused.

Applicants/ Accused

Through

Counsel

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AFFIDAVIT

I, Raja Ahmed Gujar Khan son of Nabeel Ahmed Gujar Khan Raja
resident of Gawalmandi , Mohra Chappar , Dhoke Syedan, Rawalpindi,
do hereby solemnly affirm and declare as under:

That the contents of the accompanying application are true and
correct to the best of my knowledge and belief and nothing has been
concealed there from.

Deponent

Verified on oath at Rawalpindi on this ____ day of ____that the
contents of the above said affidavit are true and correct.

Deponent