

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

**Service Appeal No.213/2024**

Mujeeb Ullah Ex-LHC No. 2429 .....Appellant

**VERSUS**

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others  
.....Respondents

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*Next date  
6/5/24 Peshawar*

*[Signature]*  
**DSP Legal  
Mardan**

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

**Service Appeal No.213/2024**

Mujeeb Ullah Ex-LHC No. 2429 .....Appellant

**VERSUS**

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others  
.....Respondents

**Para-wise comments on behalf of respondents:-**

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 12542

Dated 6/5/24

**Respectfully Sheweth,**

**PRELIMINARY OBJECTIONS**

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. **That appeal of the appellant is badly time barred.**
6. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.

**REPLY ON FACTS**

1. Correct to the extent that as per record, the appellant was initially appointed as constable in Police Department, while rest of para is not plausible because every Police Officer is under obligation to perform his duty upto the entire satisfaction of his superiors. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries. Besides, plea taken by the appellant is incorrect/unplausible, because he was directly nominated in a criminal case vide FIR No. 492 dated 18.04.2019 u/s 3/4 - 5 Ghag Act Police Station Saddar Mardan **(Copy of list of bad entries is attached as Annexure "A")**.
2. Para to the extent of acquittal from the charges is not plausible because the Apex Court of Pakistan has laid down the principle that departmental proceedings and judicial proceedings are two different entities, both can run parallel to each other without affecting the result of each other. This Controversy was resolved by the Apex Court of Pakistan in case titled "**Khalig Dad Vs Inspector General of Police and 02 others**" (2004 SCMR 192" wherein it was held that:-  
*"Disciplinary proceedings and criminal proceedings---Difference---Acquittal from criminal case---Effect---Both such proceedings are not interred dependent and can be initiated simultaneously and brought to logical end separately with different conclusions---Criminal proceedings do not constitute*

*a bar for initiation of disciplinary proceedings relevant to Efficiency and Disciplinary Rules---Acquittal in criminal case would have no bearing on disciplinary action".*

3. Correct to the extent that the appellant was issued charge sheet with statement of allegations No. 166/PA dated 29.04.2019 on the account of his involvement in the aforementioned criminal case. The said enquiry was entrusted to the then Sub Divisional Police Officer Takht Bhai Mardan. The appellant submitted his reply and the enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense, but he failed. However, after fulfillment of all legal and codal formalities, the Enquiry Officer submitted his finding report and recommended him for warning. In light of above, the then District Police Officer Mardan did not agree with the finding of enquiry officer. Hence, the enquiry was marked to the then Superintendent of Police Investigation Mardan for conducting denovo enquiry, who (Superintendent of Police Investigation Mardan) reiterated the stance of Sub Divisional Police Officer Takht Bhai by recommending warning to the appellant. On perusal of findings of the then Superintendent of Police Investigation Mardan, the enquiry papers were kept pending by the then District Police Officer Mardan on 08.11.2019 till court's decision. On taking over charge as District Police Officer Mardan by Mr. Zahidullah the then District Police Officer Mardan, the matter was re-enquired (de-novo) through Mr. Rahim Hussain the then Superintendent of Police Operations Mardan who (Superintendent of Police Operations) holding responsible appellant of misconduct by pressurizing/compelling parents of Mst: Palwasha to contract her marriage with him without her consent. As act of the appellant was totally against the norms, rules/regulations of the disciplined force, which can lead to any odd situation in future.
4. Correct to the extent that the appellant was issued Final Show Cause Notice No. 44/PA dated 25.02.2021 to which his reply was received but found unsatisfactory.
5. Correct to the extent that the appellant was awarded major punishment of compulsory retirement from service. As the appellant while posted at Police Station Chooria was placed under suspension on account of involvement in a case vide FIR No. 492 dated 18.04.2019 u/s 3/4 - 5 Ghag Act Police Station Saddar. On account of aforementioned allegations, the appellant was issued charge sheet with statement of allegations No. 166/PA dated 29.04.2019 and enquiry was entrusted to Mr. Ziaullah the then Sub Divisional Police Officer Takht Bhai. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense, but he failed. However, after fulfillment of all legal and codal formalities, the Enquiry Officer submitted his finding report and recommended him for warning. In light of above, the then District Police Officer Mardan did not agree with the findings of said enquiry officer and the same was marked

to the then Superintendent of Police Investigation Mardan for conducting denovo enquiry, who (Superintendent of Police Investigation Mardan) reiterated the stance of Sub Divisional Police Officer Takht Bhai by recommending him for warning. On perusal of findings of the then Superintendent of Police Investigation Mardan, the enquiry papers were kept pending by the then District Police Officer Mardan on 08.11.2019 till court's decision.

On taking over charge as District Police Officer Mardan by Mr. Zahidullah the then District Police Officer Mardan, the matter was re-enquired (de-novo) through Mr. Rahim Hussain the then Superintendent of Police Operations Mardan who (Superintendent of Police Operations) held responsible the appellant of misconduct by pressurizing/compelling parents of Mst: Palwasha to conduct her marriage with him without her consent. As act of the appellant was against the norms, rules/regulations of the disciplined force, which can lead to any odd situation in future. Therefore, in light of above, the appellant was summoned and heard in detail in Orderly Room on 24.02.2021 but the appellant failed to present any plausible reasons in his defense hence, he was issued Final Show Cause Notice No. 44/PA dated 25.02.2021 to which his reply was received but found un-satisfactory and the appellant was also called for Orderly Room on 30.03.2022 but this time too, he failed to justify his innocence, hence, he was awarded major punishment of compulsory retirement from Police Force, which does commensurate with the gravity of misconduct of the appellant. As the appellant was not letting her cousin at any cost to marry on her own sweet will rather adamant that she will only marry him which clearly shows the nexus of appellant with the commission of offence. It is also added that the retention of appellant in Police Department will certainly stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities **(Copies of Charge sheet with statement of allegations, enquiry papers, Final Show Cause Notice and dismissal order are attached as annexure-B, C,D, E&F).**

6. Correct to the extent that the appellant preferred departmental appeal before the appellate authority which was rejected and filed, being devoid of merit. As the appellant was provided full-fledged opportunity of defending himself, but he bitterly failed to produce any cogent proofs/reasons to justify his innocence. Hence, after perusal of entire material available on record coupled with enquiry report as well as the order of punishment, the departmental appeal was filed being devoid of any merit **(Copy of order is attached as annexure-"G")**.
7. Correct to the extent that the appellant filed revision petition before the Provincial Police Officer, Khyber Pakhtunkhwa Peshawar. The revisionary authority after taking into consideration the entire material available on record coupled with provision of right of self defense to the appellant by

4  
hearing him in person, decided the revision petition on merit by rejecting the same being bereft of any substance.

8. That the appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

**REPLY ON GROUNDS:**

A. Incorrect. Plea taken by the appellant is not plausible because the orders of the competent authority as well as appellate authority, are passed after fulfillment of all legal and codal formalities. As the appellant was provided full-fledged opportunity of defending himself before the competent as well as appellate authority but he bitterly failed to produce any cogent reasons in his defense.

B. Incorrect stance taken by the appellant is not plausible, because he while posted at Police Station Choorā was placed under suspension on account of involvement in a case vide FIR No. 492 dated 18.04.2019 u/s 3/4 - 5 Ghag Act Police Station Saddar. On account of aforementioned allegations, the appellant was issued charge sheet with statement of allegations No. 166/PA dated 29.04.2019 and enquiry was entrusted to Mr. Ziaullah the then Sub Divisional Police Officer Takht Bhai. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense, but he failed. However, after fulfillment of all legal and codal formalities, the Enquiry Officer submitted his finding report and recommended him for warning. In light of above, the then District Police Officer Mardan did not agree with the findings of said enquiry officer and the same was marked to the then Superintendent of Police Investigation Mardan for conducting denovo enquiry, who (Superintendent of Police Investigation Mardan) reiterated the stance of Sub Divisional Police Officer Takht Bhai by recommending him for warning. On perusal of findings of the then Superintendent of Police Investigation Mardan, the enquiry papers were kept pending by the then District Police Officer Mardan on 08.11.2019 till court's decision.

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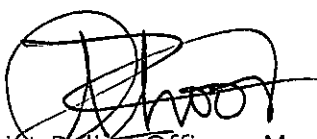
- C. Correct to the extent that no one can be condemned unheard but the appellant cannot take this plea as he has duly been provided full-fledged opportunity of defending himself, during the course of enquiry as well as other proceedings carried out subsequently which have been discussed in detail in the preceding para.
- D. Incorrect. Plea taken by the appellant is totally bereft of any substance because during the course of enquiry statements of all concerned were recorded. Moreover, the stance of appellant regarding not providing opportunity of cross examination is also ill based because he was questioned and cross questioned during the course of enquiry proceedings hence, stance taken by the appellant regarding non provision of right of cross examination is totally immaterial.
- E. Para to the extent of acquittal from the charges is not plausible because the Apex Court of Pakistan has laid down the principle that departmental proceedings and judicial proceedings are two different entities, both can run parallel to each other without affecting the result of each other. This Controversy was resolved by the Apex Court of Pakistan in case titled "**Khalig Dad Vs Inspector General of Police and 02 others**" (2004 SCMR 192" wherein it was held that:-
- "Disciplinary proceedings and criminal proceedings---Difference---Acquittal from criminal case---Effect---Both such proceedings are not interred dependent and can be initiated simultaneously and brought to logical end separately with different conclusions---Criminal proceedings do not constitute a bar for initiation of disciplinary proceedings relevant to Efficiency and Disciplinary Rules---Acquittal in criminal case would have no bearing on disciplinary action".*
- F. Incorrect. Plea taken by the appellant is against the law because the Apex Court of Pakistan has laid down the principle that departmental proceedings and judicial proceedings are two different entities, both can run parallel to each other without affecting the result of each other. This Controversy was resolved by the Apex Court of Pakistan in case titled "**Khalig Dad Vs Inspector General of Police and 02 others**" (2004 SCMR 192" wherein it was held that:-


6  
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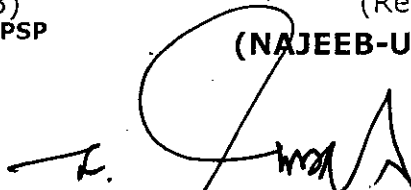
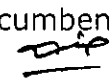
G. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

**PRAYER:-**

It is therefore, most humbly prayed that on acceptance of above submissions, appeal of the appellant may very kindly be dismissed **being a badly time-barred** and devoid of merits.

  
District Police Officer, Mardan.  
(Respondent No. 3)  
**(ZAHOOR BABAR)<sup>PSP</sup>**  
Incumbent

  
Regional Police Officer, Mardan.  
(Respondent No. 2)  
**(NAJEEB-UR-REHMAN BUGVI)<sup>PSP</sup>**  
Incumbent

  
DIG/Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 1)  
**(DR. MUHAMMAD AKHTAR ABBAS)<sup>PSP</sup>**  
Incumbent  


**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.**

**In Re S.A No.213/2024**

Mujeeb Ullah Ex-LHC No. 2429

**VERSUS**

Inspector General of Police Khyber Pakhtunkhwa & others

**Reply to the application for condonation of delay:-**

**Respectfully Sheweth,**

1. That the application filed by the applicant before this Honorable Tribunal may kindly be dismissed being a **badly time-barred**.
2. Incorrect. Plea taken by the applicant is against the law because the Apex Court of Pakistan has laid down the principle that departmental proceedings and judicial proceedings are two different entities, both can run parallel to each other without affecting the result of each other. This Controversy was resolved by the Apex Court of Pakistan in case titled "**Khalig Dad Vs Inspector General of Police and 02 others**" (2004 SCMR 192" wherein it was held that:-  
*"Disciplinary proceedings and criminal proceedings---Difference---Acquittal from criminal case---Effect---Both such proceedings are not interred dependent and can be initiated simultaneously and brought to logical end separately with different conclusions---Criminal proceedings do not constitute a bar for initiation of disciplinary proceedings relevant to Efficiency and Disciplinary Rules---Acquittal in criminal case would have no bearing on disciplinary action".*
3. Para to the extent of filing the departmental appeal before the appellate authority is correct and the same was rejected being devoid of any merit. However, he filed the instant appeal at a belated stage for the reasons best known to him and he propounded the instant story just to cover the issue of limitation.
4. Incorrect plea taken by the applicant is totally ill based as he was provided full-fledged opportunity of defending himself, but he bitterly failed to produce any cogent proofs/reasons to justify his innocence. Hence, after perusal of entire material available on record coupled with enquiry report as well as the order of punishment, the departmental appeal was filed being devoid of any merit.
5. Incorrect. Plea taken by the applicant is against the law because the Apex Court of Pakistan has laid down the principle that departmental proceedings and judicial proceedings are two different entities, both can run parallel to each other without affecting the result of each other. This Controversy was resolved by the Apex Court of Pakistan in case titled "**Khalig Dad Vs**



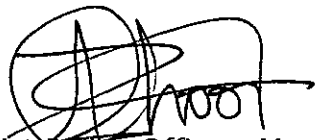
**Inspector General of Police and 02 others**" (2004 SCMR 192" wherein it was held that:-

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6. Incorrect. Para already explained needs no comments.
7. Incorrect, plea taken by the applicant is whimsical/concocted rather fanciful hence, liable to be set at naught. As the apex court of Pakistan has held that the question of limitation cannot be considered a "technicality" simpliciter as it has got its own significance and would have substantial bearing on merits of the case. *Reliance is placed on the case of „Muhammad Islam versus Inspector General of Police, Islamabad and others" (2011 SCMR 8). In an another judgment it has been held that the law of limitation must be followed strictly. In this regard reliance is placed on the dictum laid down in Chairman, District Screening committee, Lahore and another v. Sharif Ahmad Hashmi (PLD 1976 SC 258), S. Sharif Ahmad Hashmi v. Chairman, Screening Committee Lahore and another (1978 6 Civil Revision No.3364 of 2011 SCMR 367), Yousaf Ali v. Muhammad Aslam Zia and 2 others (PLD 1958 SC (Pak) 104), Punjab Province v. The Federation of Pakistan (PLD 1956 FC 72), Muhammad Swaleh and another v. Messers United Grain and Fodder Agencies (PLD 1949 PC 45), Hussain Bakhsh and others v. Settlement Commissioner and another (PLD 1969 Lah. 1039), Nawab Syed Raunaq Ali and others v. Chief Settlement commissioner and others (PLD 1973 SC 236), Chief Settlement Commissioner, Lahore v. Raja Muhammad Fazil Khan and other (PLD 1975 SC 331), WAPDA v. Abdul Rashid Bhatti, (1949 SCMR 1271), Inspector General of Police, Balochistan v. Jawad Haider and another (1987 SCMR 1606), WAPDA v. Aurganzeb (1988 SCMR 1354), Muhammad Naseem Sipra v. Secretary, Government of Punjab (1989 SCMR 1149), Muhammad Ismail Memon v. Government of Sindh and another 1981 SCMR 244), Qazi Sardar Bahadar v. Secretary, Ministry of Health, Islamabad and others (1984 SCMR 177), Smith v. East Elloe Rural District Council and others (1956 AC 736), Province of East Pakistan and others v. Muhammad Abdu Miah (PLD 1959 SC (Pak); 276 and Mehr Muhammad Nawaz and others. V. Government of Punjab and others (1977 PLC (C.S.T) 165) and Fazal Elahi Siddiqi v. Pakistan (PLD 1990 SC 692)".*
8. Incorrect, plea taken by the applicant is whimsical/concocted rather fanciful hence, liable to be set at naught. As the apex court of Pakistan has held that the question of limitation cannot be considered a "technicality" simpliciter as it has got its own significance and would have substantial bearing on merits of

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Keeping in view the above submission, it is humbly prayed that application of the applicant regarding condonation of delay may very kindly be dismissed please.



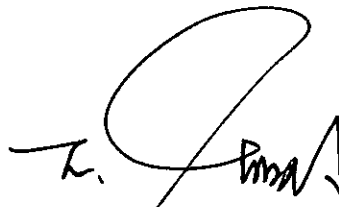
District Police Officer, Mardan.  
(Respondent No. 3)

**(ZAHOOB BABAR)<sup>PSP</sup>**  
Incumbent



Regional Police Officer, Mardan.  
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DIG/Legal, CPO  
For Inspector General of Police,  
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**(DR. MUHAMMAD AKHTAR ABBAS)<sup>PSP</sup>**  
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**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR.**

**Service Appeal No.213/2024**

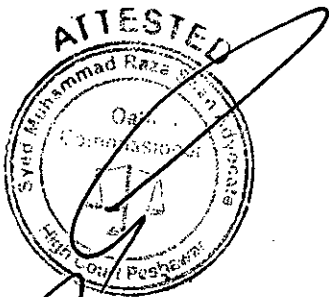
Mujeeb Ullah Ex-LHC No. 2429 .....Appellant

**VERSUS**

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others  
.....Respondents

**COUNTER AFFIDAVIT.**

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honorable Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.



6/5/24

District Police Officer, Mardan.  
(Respondent No. 3)  
**(ZAHOOR BABAR)<sup>PSP</sup>**  
Incumbent

(11)

"(A)"

TER ROLL OF

(Continued).

15-CENSURES AND PUNISHMENTS

14 days Quarter Guard for his Abs.

C.B. No - 2413

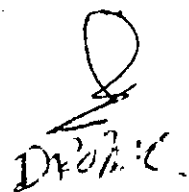
4-11-13

  
D.P. Mandal

12 days Quarter Guard for his Abs.

C.B. No - 408

13-2-14

  
D.P. Mandal

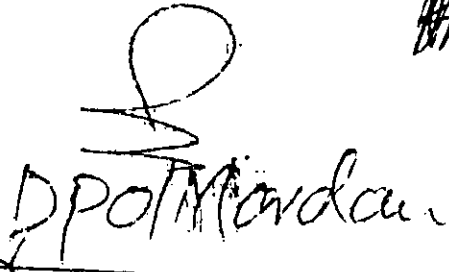
ORDER

Being charged in case vide FIR No. 492 dated: 18-4-1944 s 31-5 Gang Act

P. Sadder, ~~he~~ he is hereby placed under Suspension and closed to police lines with Immediate effect.

C.B. No. 900

dt. 23.4.19.

  
D.P. Mandal

ORDER:-

He is hereby provisionally re-instated

Serial No.

15-CENSURES AND PUNISHMENTS.—Contd.

ORDER

(02) days Quarter

With immediate effect -

OB NO 2057

30-7-19

DPO/MRS.

ORDER

Awarded him Major Punishment of  
Compulsory retirement from Mardan  
Police with immediate effect

OB NO 843

dt 04-4-2022

*[Signature]*

ORDER

The appeal is rejected vide AICP  
HQIS KPK Peshawar vide Enst No  
2951-54/23 dt 22.12.23

DPO/MRS.

*[Signature]*

Serial No.

15-CENSURES AND PUNISHMENTS.—Concla.

*[Faint handwritten notes, possibly mentioning "Quarter guard" and "Extradill"]*

(1) day Extradill awarded

no. 1504  
2-4-7-19

(2) days Extradill awarded

no. 1504  
2-4-7-19

ORDER  
(1) day Quarter guard awarded

no. 1767  
D/O: 2-10-1909

*[Signature]*

ORDER

is added him a minor punishment of  
11 with immediate effect

OB/NO 1596  
17/09/20

*[Signature]*  
DPC [unclear]

*[Handwritten mark]*

16. LEAVE, ABSENCE AND IN SERVICE

All periods not counting "approved service" to entered in red ink.

1		2			3	4
DATE		EXTENT			No. of District Order	Description of leave i.e. Privilege hospital, sick leave, or furlough, or of absence, or forfeiture of approved service.  All entries to be initialed, by Superintendent of Police.
	To	Years	Months	Days		
				(2)	2995 21/12/09	Leave w/o pay (red)
				(4)	69 8-1-2010	do
				(9)	3110 30/12/09	do
				(3)	607 23-2-10	do
				(18)	1118 3-4-10	do
				(3)	2225 21-6-10	do
				(3)	2571 8-7-10	do
				(4)	3040 11-8-10	do
				(6)	4552 30-11-10	do
				(1)	3867 26-10-11	do
				(1)	3867 26-10-11	do
				(2)	4000 1-1-12	do

*[Handwritten signature]*

1000 - leave w/o pay - DPO/MR

1000 - DPO/MR

1000 - DPO/MR

(10) 1486 - 80 - DPO/MR  
8.7.18

(CS) 1186 - MR DPO/MR  
8.7.18

(61) 2181 - leave w/o pay - DPO/MR  
29/10/2018

(45) 1673 - E/leave  
28.9.21 DPO/MR

~~AAA~~





16 (B)

**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com

2019

No. 166 /PA

Dated 29/12/2019

**DISCIPLINARY ACTION**

I, **SAJJAD KHAN (PSP)**, District Police Officer Mardan, as competent authority am of the opinion that **LHC Najeeb Ullah No.2429**, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.


**STATEMENT OF ALLEGATIONS**


Whereas, **LHC Najeeb Ullah No.2429**, while posted at Police Station Choorā (now under suspension Police Lines), has been charged in a case vide FIR No.492 dated 18-04-2019 U/S 3/4 -5 Ghag Act Police Station Saddar.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, **ASP Ziaullah SDPO/TBI is nominated as Enquiry Officer.**

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

**LHC Najeeb Ullah** is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

  
(SAJJAD KHAN) PSP  
District Police Officer,  
Mardan.

  
DSP Legal  
Mardan



OFFICE OF THE  
**DISTRICT POLICE OFFICER,**  
**MARDAN**


Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com

2019  
17

**CHARGE SHEET**

I, **SAJJAD KHAN (PSP)**, District Police Officer Mardan, as competent authority, hereby charge **LHC Najeeb Ullah No.2429**, while posted at Police Station Choorra (now under suspension Police Lines), as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
2. You are, therefore, required to submit your written defense within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
3. Your written defense, if any, should reach the Enquiry Officers within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.

  
**(SAJJAD KHAN) PSP**  
District Police Officer,  
Mardan.

  
**DSP Legal**  
**Mardan**

لحمه 2429 لکھنؤ

جناب عالی!

خواجہ چارچ سٹیٹ مشورہ کے مفروضہ صورت ہوں کہ سب سے پہلے  
 کے خلاف جو الگ مقدمہ عدالت 492 صورت دیا گیا ہے 3، 4، 5 سب سے پہلے  
 یہاں درج رہتا ہے من مسائل کے بارے میں سوال (پہلے سے) ابھی  
 یہاں سے مسائل نے AI، BI اور کوئی اور نہیں ہیں اور اس کے تسلیم  
 یافتہ ہیں اور عدالت کے حکموں پر ڈیوٹی کی ذمہ داری سے سہرا نام در  
 خواجہ ہیں اور وہ بھی تاحال من مسائل کو دیکھ کر کہیں کہیں کوئی  
 حل ہو چکی ہے اور اب مقدمہ درج رہتا ہے سے معطل ہو گیا ہے  
 من مسائل کا رشتہ والدین نے بہتر کے ماحول کو بھیجی ہے اور  
 گڈوں کے تقریباً 200، 250 گڈوں کے ماحول کے ذریعہ میں شہادت  
 اب شران والدین نے شادی کی تیار کیا ہے شہادت اور شہادت شادی  
 کو تیار کرنا ہے شہادت کے ماحول کے پاس گڈوں کی وقت ماحول نے  
 وقت ایسا سے انکار کیا اور چھ ماہ میں کیوں کی ملتا ہے سے من مسائل  
 اور بہتر اور والد کے خلاف سے خواجہ درج ملتا ہے یہاں جو بلدیہ اور  
 پر صحت کے خاصے کیوں کو پیش ہو کر بعد قیام میں مدد ملے گی اور ایسا  
 جو بہتر شہادت عدالت کے ماحول منظور کرنا یہاں دی آؤر عدالت  
 کے لئے قابل ملاحظہ ہے۔

Attest  
 Non

اللہ جانے کہ من مسائل کے ساتھ ہے اور ماحول نے نہایت کے پیش نظر سب سے  
 پہلے کوئی اور من عدالت ایسا بنا کر سب کے خلاف جوئی مقدمہ درج ہو گیا  
 کیا جس میں کوئی عدالت نہ تھی۔

یہاں اس پر ماحول کا حق ہے کہ مسائل کے ساتھ کوئی نظر رکھتے ہوئے من مسائل کو  
 نکالی گیا ہے اور چارچ سٹیٹ کو داخل دفتر بلدیہ مذکورہ کارروائی کرانے کا حکم  
 جاری فرمایا ہے اور من مسائل کے بارے میں دیکھو گے۔

مسائل 3 توبہ اللہ 2429  
 244  
 314-9229792

DSP Legal  
 Mardan



OFFICE OF THE  
SUB-DIVISIONAL POLICE OFFICER,  
TAKHT BHAI CIRCLE

Tel. & Fax: 0937552211, E-Mail: dsp.tbi@gmail.com

No. 1116 /ST, Dated: 28/05/2019.

The Worthy District Police Officer,  
Mardan.

Subject: DISCIPLINARY ACTION AGAINST LHC MUJEEBULLAH NO. 2429

Memo:

Kindly refer to your office Diary No. 166/PA, dated 29.04.2019.

This enquiry report is the outcome of an elaborate enquiry into a statement of allegation against LHC Mujeebullah No. 2429, while posted at Police Station Choorra (now under suspension Police Lines), has been charged in a case FIR No. 492, dated 18.04.2019, U/S 3/4-5 Ghag Act Police Station Saddar. The competent authority designated the undersigned as enquiry officer.

FINDING OF THE ENQUIRY:

In this connection enquiry proceedings were initiated and the alleged LHC Mujeebullah No. 2429 was summoned; alleged LHC appeared before undersigned and stated that he got engaged with her cousin four years back; all relatives, friend and local villagers were present and aware of this engagement. This was done with mutual consent of both families; recently he was planning for his wedding, when suddenly he was informed that this engagement has been cancelled. He sent his parents and other Jirga member to her fiancée's home to come to know about issue but in vain, neither they told the cause for cancellation of engagement nor they disclosed his (Mujeebullah) fault. Resultantly, the said incident occurred, to verify all this, undersigned heard Jirga Members, family elders and SHO concerned, all those corroborated the statement of alleged constable.

So, it is inferred that in this mess up the fault doesn't lie on one side; he was not only made mentally pressurized but also just a laughing stock in friends and relatives which ultimately resulted this outburst.

RECOMMENDATION:

From the perusal of above facts, it is clear that all the fault doesn't lie on LHC Mujeebullah No. 2429, both parties are equally responsible for their due share.

Therefore, it is recommended that, LHC Mujeebullah No. 2429 may please be warned to be careful in future, if agreed.

*SI-1116  
To conduct enquiry into the case  
issue court take into account  
at the subject of the case.*

*DN*  
Sub-divisional Police Officer,  
Takht Bhai  
DSP Legal  
Mardan

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(C)

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OFFICE OF THE  
SUPERINTENDENT OF POLICE  
INVESTIGATION MARDAN  
Phone No. 0937-9230121  
Fax No. 0937-9230321  
Email: invmdn@gmail.com

No. 166/PA / Inv:

Dated 23 /Oct/ 2019.

The District Police Officer,  
Mardan.

Subject: DEPARTMENTAL ENQUIRY AGAINST LHC MUJEEB  
ULLAH NO.2429.

Memo:

Kindly refer to your office letter No. 166/PA dated 29.04.2019, on  
the subject noted above.

Enclosed kindly find herewith findings in departmental enquiry  
against LHC Mujeeb Ullah No. 2429 for further necessary action please.

(Enclosure: 18 pages)

For Superintendent of Police,  
Investigation Mardan.

  
PSP Legal  
Mardan

ATIONS

It is alleged that LHC Mujeeb Ullah No. 2429, while posted at Police Station Saddar (now under suspension Police Lines), has been charged in case FIR No. 492 dated 18.04.2019 u/s 3,4,5 Ghag Act Police Station Saddar.

Charge Sheet and Statement of Allegations issued against the alleged official and ASP Takht Bhai nominated as Enquiry Officer. The E.O conducted enquiry into the matter and submitted his finding report to competent authority / DPO Mardan. The competent authority did not agree with the finding report and entrusted the same to this office for de-novo purposes.

**PROCEEDING:-**

Inquiry proceedings initiated. The alleged official LHC Mujeeb Ullah No. 2429, ASI Idrees Khan IO of the case and Nisar Khan complainant of the FIR were called, heard and their statements recorded. Besides, relevant record including court order dated 02.05.2019, requisitioned and perused. Record and statements are placed on inquiry file.

1. **STATEMENT OF LHC MUJEEB ULLAH:**

Alleged official LHC Mujeeb Ullah No. 2429 stated that he has falsely been charged in case FIR No. 492 dated 18.04.2019 u/s 3.4.5 Ghag Act PS Saddar. He added that he betrothed his cousin / complainant's daughter in which 200/250 persons participated. When they went her home for fixing marriage date they refused and registered the above mentioned case against him, his brother and father with the connivance of PS Saddar police. He produced himself to police for investigation. After completion of investigation, he was sent to judicial lockup but due to non availability of independent witness and admission made by the complainant before court that the engagement has been solemnized, he was granted bail by ASJ-IV Mardan, vide order dated 02.05.2019. Further added that he is an LHC and always performed his duties with due diligence and care. He requested for filing the Charge Sheet and Statement of Allegations issued against him.

2. **STATEMENT OF NISAR KHAN:**

Nisar Khan stated that accused Mujeeb Ullah was his nephew. His daughter Mst: Palwasha was engaged to said Mujeeb Ullah by her grandfather in childhood. Now she has attained majority and refused the engagement. The issue was tried to be resolved through compromise/negotiation but in vain hence the accused was charged in the case on his complaint. The accused was insisting on marriage with his daughter but she was not ready for the marriage at any cost.

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STATEMENT OF ASI IDREES KHAN:

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ASI Idrees Khan stated that case FIR No. 492 dated 18.04.2019 u/s 3,4,5 Ghag Act PS Saddar was entrusted to him for investigation. During investigation he recorded statements of accused, complainant and Mst: Palwasha and placed on case file copies of FIRs already registered between the parties. Mst: Palwasha supported version of the complainant in her statement. Challan into the case has been submitted to the court.

4. CONCLUSION /RECOMMENDATION:

The alleged official LHC Mujeeb Ullah No. 2429 was issued Charge Sheet & Statement of Allegations for his involvement in case FIR No. 492 dated 18.04.2019 u/s 3,4,5 Ghag Act PS Saddar. During trial of the case, the court observed vide order dated 02.05.2019 that "no independent witness has been produced by the complainant of the locality in whose presence the accused declared such Ghag and admittedly Mst: Palwasha was engaged by the complainant with accused" on the ground the accused / alleged official has been granted post arrest bail by the court.

Apparently the complainant registered FIR to pressurize LHC Mujeeb Ullah. it is recommended that the LHC shall be warned to remain careful in future.

Superintendent of Police,  
Investigation Mardan.

*B. C.  
What is the  
present status of  
the case?*

*[Signature]*  
Superintendent  
Mardan



OFFICE OF THE  
SUPERINTENDENT OF POLICE  
INVESTIGATION MARDAN  
Phone No. 0937-9230121  
Fax No. 0937-9230321

No. 1134 /PA / Inv:

Dated 25 /Nov/ 2019.

To: The District Police Officer,  
Mardan.

Subject: DEPARTMENTAL ENQUIRY AGAINST LHC MUJEEB  
ULLAH NO. 2429.

Memo:

In continuation to this office Memo No. 1071/PA/Inv dated  
03.10.2019.

It is submitted that case FIR No. 492 dated 18.04.2019 u/s 3,4,5 Ghag  
Act PS Saddar registered against the subject mentioned official is under-trial before  
the court. In which next dated of hearing is fixed for 07.11.2019.

(Copy of court order sheet is enclosed)

(End 20)

Superintendent of Police,  
Investigation Mardan.

*SP Ops*  
*Please*  
*into*  
*conduct de novo enquiry*  
*the matter & submit*  
*findings with in stipulated*  
*time.*

*keep pending till the*  
*court decision*

*[Signature]*  
4.1.2021

DSP Legal  
Mardan

*[Signature]*  
8/11/19





*[Handwritten signature]*

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OFFICE OF THE  
SUPERINTENDENT OF POLICE  
OPERATIONS & HEADQUARTERS  
MARDAN

Tell: 0937-9230117

Fax: 0937-9230111

E.Mail: [Spops1506@gmail.com](mailto:Spops1506@gmail.com)

No. 46 TPA.(Ops)

Dated 11/12/2021

To The District Police Officer,  
Mardan.

Subject: DENOVO DEPARTMENTAL ENQUIRY AGAINST LHC MUJEEB ULLAH NO. 2429.

Memo:

Enclosed please find herewith the subject enquiry alongwith statements and relevant papers in original.

The subject denovo departmental proceedings against LHC Mujeeb Ullah No. 2429, initiated under the allegations that he while posted at police station Choora has been charged in a case vide FIR No dated u/s 3/4 -5 Ghag Act police station Saddar.

*[Handwritten initials]*

PROCEEDING:

Enquiry proceedings were initiated. During the course of enquiry, all concerned including accused LHC Mujeeb Ullah No. 2429, Nisar Khan (complainant of case), Jirga members and various other persons relevant to enquiry were called to the office. They were questioned and counter questioned about the matter. Their written statements recorded, placed on file. Brief enquiry and statements are as under:

1. **Accused LHC Mujeeb Ullah No. 2429**, stated that he is serving in police department and passed lower course in 2016. Since last 3 / 4 years, he betrothed his cousin Mst. Palwasha complainant's daughter. In presence of complainant as well as brother-in-Law, proper engagement ceremony held in which his friends, local elders and neighbor participated. That Nikah did not take place / at the time of engagement hence he is not ready to give statement in respect of Nikah. After two years, when his parents asked about fixing the wedding date, his father-in-Law refused and stated that his daughter is not agreed. That his father-in-Law as well as fiancée did not disclose the reason behind cancellation of engagement.

OR  
*[Handwritten signature]*  
D.P. [mon]  
*[Handwritten initials]*

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1. **Sarfaraz Khan**, he (alleged official) took up the issue through local Jirga but no results positive achieved so far. That all the locals of the village are well aware of the engagement. If his father-in-Law and relatives satisfied his elders / parents on oath then he is ready to any decision. Further stated that he was falsely been charged in the subject case u/s 3/4 5 Ghag Act. During the course of cross examination, the official stated that the issue about cancellation of engagement emerged in the end of February or January 2017 or 2018. In reply to another question he stated that the applicant party either restores his engagement or otherwise they may satisfy his parents through Jirga. If they did not do so he will be left with no option other than to knock the door of competent court against his father-in-law. That he considered that as his engagement has been took place hence the wedding should be done at any cost. That if in presence of both parties engagement was done then it will be considered / presumed that Nikah is also done. That at the time of engagement his fiancée named Mst: Palwasha was not present. Statement placed on file.

2. **Saeed Khan s/o Hameed-ur-Rahman r/o Mian Gulzara**, stated that there was dispute between LHC Mujeeb Ullah and the applicant on certain issue of engagement. A Jirga in this regard was convened whereby he was present as a Jirga member. However, the issue was not settled through Jirga as the engagement was against the consent Mst: Palwasha and she was not agreed at any cost. That after refusal from the complainant party, LHC Mujeeb Ullah used to come to his village duly armed with weapons just to pressurize and compelled them. That LHC Mujeeb Ullah was asked by applicant's party / relatives to restrain of his armed visit to applicant's village but in response he clearly refused and replied that come what may, he will marry with Mst: Palwasha at any cost. Later on, a proper case was registered against LHC Mujeeb Ullah at PS Sadddar. But he is still stuck to his stance and using force in shape of various tactics to compel them for wedding which is against Islam and law of state.
3. **Muhammad Ghalib s/o Dost Muhammad r/o Khazana Dheri**, stated that LHC Mujeeb Ullah and Mst: Palwasha were his nephew and niece respectively. Complainant Nisar is his brother and they were residing in a joint house. From the very childhood parents of LHC Mujeeb Ullah asked for engagement of Mst: Palwasha with his son Mujeeb Ullah. Due to their constant requested engagement was verbally fixed. At that time, Mst: Palwasha was underage. Now she is mature and not agreed to marry with LHC Mujeeb Ullah. When Mujeeb Ullah came to know about refusal, he resorted to scuffle and pressurizing complainant Nisar.

Once Nisar was on the way to take her family to doctor whereby in the meanwhile LHC Mujeeb Ullah appeared and physical assaulted on him and used abusive language in front of women folk. According to Mujeeb Ullah that he will forcibly marry with Mst: Palwasha. Keeping in view, such tactics by Mujeeb Ullah a Jirga was convened to persuade Mst Palwasha but he did not agree despite of constant efforts. During this period brother of Mujeeb Ullah also came to his house in his absence, beaten his wife / children and broken the house hold articles and this all was done in connivance of Mujeeb Ullah just for pressurizing. To this effect, upon written complaint of my wife accused (Mujeeb Ullah brother) was charged in FIR and sent to judicial lock up Mardan. Since that time LHC Mujeeb Ullah used to come to village in uniform and official rifle. Due to such pressurizing tactics by Mujeeb Ullah they are in certain depression and Mst: Palwasha left to go to school. Now Mujeeb Ullah clearly stating that he will marry with Mst: Palwasha by force. Further stated that recently LHC Mujeeb Ullah stopped him in the way beaten him but as Mujeeb Ullah was in uniform and armed with weapon that is why he could not responded. Further stated that he has no objection, if the issue between the parties was settled amicably. statement is placed on file.

4. **Tahir Muhammad s/o Ghulam Qadar r/o Mian Gulzara**, stated that Mst: Palwasha is my niece. In the very childhood, her engagement was verbally fixed with LHC Mujeeb Ullah. Since last 4 / 5 years their engagement was done but I was not present at the time of engagement. Now Mst: Palwasha is mature and she is not ready to marry with Mujeeb Ullah. According to her, she is ready to commit suicide in case she was forced by anyone, for marriage. However, in order to settle the issue, a Jirga comprising of local elders and close relatives was convened to convince Mst: Palwasha but she did not agree and extended threat of committing suicide otherwise. That no Nikah took place so far. However, when LHC Mujeeb Ullah came to know about situation he intentionally used harassing tactics including extending threats and physical assaults, just to compel them to come to the issue. In addition brother of Mujeeb Ullah, also forcibly entered in house of Muhammad Ghalib (uncle of Mst: Palwasha) beaten the women folk and threatened them of dire consequences. Consequently, a proper case was lodged and accused who was brother of Mujeeb Ullah was remanded to Judicial lock-up. Now, LHC Mujeeb Ullah clearly claimed Mst: Palwasha as his wife and according to him anyone else who interferred in the matter will not be spared.

  
**DSP Legal**  
**Mardan**

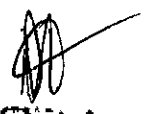
That such illegal act of Mujeeb Ullah is against law to which he has been charged in proper case, u/s 3/4 5 Ghag Act of PS Saddar. However, despite of that he has not mended his ways and still considering Mst: Palwashah as his wife without her consent. Statement placed on file.

5. **Shahid s/o Ibrahim Khan r/o Ibrahim Khan Killi**, stated that complainant Nisar is my relative. I, was unaware about engagement of Mst: Palwasha. Later on when dispute arise between the parties. A Jirga was involved to settle the issue wherein I, was present and acted a Jirga member for resolution of the issue. That, during Jirga Mst: Palwasha did not agree. That I am unaware of the issue but complainant' son named Noor Jamal several time called me and told that LHC Mujeeb Ullah telephonically extended severe threats in order to compel complainant party for marriage without consent of Mst: Palwasha. Statement placed on file.
6. **Fazal Akram s/o Ghulam Qadar r/o Mian Gulzara**, stated that LHC Mujeeb Ullah is my close relative. In the very childhood their engagement was verbally fixed. Now Mst: Palwasha is mature and she is not agree on such relation with Mujeeb Ullah. She also threatened his parents of committing suicide. When the issue of refusal from Mst: Palwasha, came to the knowledge of Mujeeb Ullah he resorted to pressurizing her as well as family members. He often used to roam around the house of Mst: Palwasha, in uniform and officials weapon. That he also threatened to kindnap her. That such act of Mujeeb Ullah illegal and against the teaching of Islam. Statement placed on file.
7. **Noor Rahman s/o Nisar Khan r/o Mian Gulzara**, stated that LHC Mujeeb Ullah is my cousin while Mst: Palwasha is my younger sister. That I did not know about the engagement that either it was fixed in childhood or otherwise. But when my sister refused thereafter LHC Mujeeb Ullah calling me with extending severe threats. That Mujeeb Ullah often chased me on the way and giving life threats. Besides, his brother also forcibly entered in my uncle house, insulted / beaten the women folks and broken the house hold articles just to pressurize us. In addition, when someone asks about my other sister's engagement Mujeeb Ullah bars them due to which my whole family is suffering. As Mujeeb Ullah is an active member of police department on the basis of which he used to various tactics to harass us. Recently, my younger sister's engagement was fixed when Mujeeb Ullah came to know he contacted the concerned individual and threatened him to withdraw engagement. Statement placed on file.

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Nisar s/o. Dost Muhammad, r/o Khazana Dheri Mian Gulzara complainant, stated that my father fixed the engagement of my daughter Mst: Palwasha with my nephew LHC Mujeeb Ullah. At that time Mst: Palwasha was 05 years old. That no Nikah was done. Now Mst: Palwasha is in the age of 18/ 19 years. That my father passed away some 3 / 4 years ago. On 07.02.2019, a Jirga comprising of Imam Masjid, father and uncle of Mujeeb Ullah came to my house to fix the marriage date. To which I, along with family members asked my daughter but he straightaway refused. Hence, A Jirga members were apprised of the situation. On the very same day, brother of Mujeeb Ullah, named Zakir assaulted on the house of my brother's house. To which a proper case vide FIR No. 231 dated 16.02.2019 u/s 452/506/427/354 PPC PS Saddar was registered against him. As against Mujeeb Ullah party also charged us vide case FIR No. 442 u/s 506/427/34 PPC PS Saddar. On dated 18.04.20219, I got registered the instant case u/s 3/4 5 Ghag Act which is still subjudice in the court. Thereafter, Mujeeb Ullah is constantly threatening me, and my relatives including my brother, cousin, brother-in-law by declaring that if his marriage was not done with Mst: Palwasha they may ready themselves for dire consequences. Statement placed on file.

9. **ASI Muhammad Idrees investigation officer case**, stated that complainant Nisar Khan s/o Dost Muhammad r/o Khazana Dheri, submitted a written application before High-ups to the effect that Mst: Palwasha aged about 18 / 19 years is his real daughter. That accused Niaz Ali s/o Mir Zaman, Mujeeb Ullah and Zakir Ullah sons of Niaz Ali r/o Khazana Dheri are his relative. Accused was asking about fixing of marriage of his daughter with Mujeeb Ullah. But his daughter has refused to do so. Now accused are using pressurizing tactics and extending life threats and kidnapping. Consequent upon his report a proper case vide FIR No. 492 dated 18.04.2019 u/s 3/4 5 Ghag Act, PS Saddar was lodged by ASI Sabir Sultan of PP Chamtar. Investigation of the case was entrusted to him. During the course of investigation, statement u/s 161 CrPc of Mst: Palwasha was recorded. Wherein she corroborated report of his father and expressed severe apprehensions of life threat against accused. Subsequently, statement of accused were recorded wherein it was found that Mujeeb Ullah is nephew of complainant and asking marriage of Mst: Palwasha. As Mst: Palwasha is mature and he is not ready regarding the same. But Mujeeb Ullah is stuck to his stance and wants to done marriage by force. In the instant case complete challan was submitted to the court. Report of IO is placed on file.

  
PS Legal  
12/11/19

*[Handwritten initials]*

From the above it transpired that LHC Mujeeb Ullah No. 2429 posted at Police station Choorra has been charged in case vide FIR No. 492 dated 18.04.2019 u/s 3/4-5 Ghag Act PS Saddar. It was established from the statement and circumstances that a verbal contract regarding engagement of LHC Mujeeb Ullah with Mst: Palwasha was fixed in childhood. But no Nikah took place so far. Later on, when Mst: Palwasha got matured she refused but did not disclose the reason behind refusal. During this period constant efforts in shape of local Jirga failed to convince Mst: Palwasha and according to her family members she is ready to commit suicide in case of any coercion.

That LHC Mujeeb Ullah alongwith family members were trying to enforce their decision by contracting this marriage at any cost. This fact is evident from attached FIR/investigation report, statement of Jirga members as well as during his personal hearing before the undersigned when he without any hesitation claimed Mst: Palwasha as his wife. He straightaway declared that his engagement may be considered as his Nikah.

The above mentioned act of LHC Mujeeb Ullah is against law to this effect Ghag Act provides that "Ghag" is a custom or practice whereby a person forcibly demands or claims the hand of a woman without her or her parents' consent. Usually, an open declaration is made which means that the woman is engaged to him and no one else shall make a marriage proposal. After the declaration, the man can obstruct the marriage of the girl to any other person. The custom is discriminatory and in some cases, used as a form of revenge whereby the woman remains single for the rest of her life due to non-obligation on the man to marry her. The custom dates back to the pre-Islamic era and also violates the basic tenet of marriage, which is consent."

Same is the case of LHC Mujeeb Ullah whereby against the consent of Mst: Palwasha and in absence of any Nikah, he is still expressing undue coercion in shape of harassing/pressurizing tactics to compel complainant party to fix her daughter marriage with him. Such like misconduct on part of police official is against the rules and regulations of department which may lead to any odd situation in future. During the course of enquiry he was provided sufficient opportunity but he was stuck to his stance and did not agree to concede to the legal right of Mst: Palwasha hence found guilty. He also failed to present any satisfactory response in his self defense.

Submitted for kind perusal, please.

*Issue FCN*

*24.2.2021*

*[Signature]*  
Superintendent of Police  
Operations & Headquarters  
Mardan

Legal  
Mardan

Comment

ملک بھادان

48 حدوں پر 492

1- تاریخ وقت رپورٹ	18/1/19
2- نام سکونت گاہ: پتہ مستقیم	نام سکونت گاہ: پتہ مستقیم
3- شاخ کاروبار: نیا کاروبار	شاخ کاروبار: نیا کاروبار
4- تعلقہ/ضلع	تعلقہ/ضلع
5- نام سکونت گاہ: پتہ مستقیم	نام سکونت گاہ: پتہ مستقیم
6- کاروبار کا نام	کاروبار کا نام

**ابتدائی اطلاع فیچور کرو**  
ابتدائی اطلاع ایک فرد کے بارے میں دی گئی ہے جو کہ ایک نیا کاروبار شروع کرنے کی کوشش کر رہا ہے۔ اس شخص کے نام کے بارے میں کوئی معلومات دستیاب نہیں ہو سکی ہیں۔ اس شخص کی شناخت کرنے کے لیے ایک ویسٹ بینک کے ذریعے اس کا نام کیسٹ اپ کر دیا گیا ہے۔ اس شخص کے پاس ایک کارڈ ہے جس پر اس کا نام اور پتہ لکھا ہے۔ اس شخص کے پاس ایک کارڈ ہے جس پر اس کا نام اور پتہ لکھا ہے۔ اس شخص کے پاس ایک کارڈ ہے جس پر اس کا نام اور پتہ لکھا ہے۔ اس شخص کے پاس ایک کارڈ ہے جس پر اس کا نام اور پتہ لکھا ہے۔ اس شخص کے پاس ایک کارڈ ہے جس پر اس کا نام اور پتہ لکھا ہے۔

5  
Real out

Legal

Legal

جناب عالی!

بھولہ درخواست اردو آذان نیاز علی ولد میر زمان ساکن خزانہ ڈھیری ماہل سنٹرل نیل مردان ضلع مہر جن میں یہ کہہ کر دست بردارنا تعلق مقدمات

۱۔ مقدمہ عدالت 231 سوری 07/02/2019 جرم 452/506/427/354/337(ا) PPC تھانہ صدر

۲۔ مقدمہ عدالت 442 سوری 04/04/2019 جرم 506/427/34 PPC تھانہ صدر

۳۔ مقدمہ عدالت 492 سوری 13/04/2019 جرم 3/4/5 ٹک ایک تھانہ صدر

تھانہ صدر مردان سے ہے!

۱۰ درج بالا کے مقدمات کے حالات کا پس منظر یہ ہے کہ پولیس کنسٹبل سید اللہ ولد نیاز علی ساکن خزانہ ڈھیری کا رشتہ ماموں زاد امی سہ ماہیہ اختر شاد خان ساکن دیہہ اش کے ساتھ عرصہ درمساں تعلق طے ہو کر باقاعدہ رسم شادی ادا ہو چکی ہے۔ اب سید اللہ پسر بدخواست گزار جب شادی کی تیاری کیلئے اجازت حاصل کرنے کے بابت شاد خان سے بوساطت پسران ذابطہ کیا تو شاد خان نے اعتراض سہ ماہیہ اختر اش سے کیا اور رشتہ فرار دیکر ناراضا ماموں اختیار کی اور مزید رشتہ فرار دیکر تعلق مقدمات سے اور کسی جرموں کے باوجود بحال اس وقت تعلق مقدمات چل رہے ہیں۔

شادی سے انکار پر سہ ماہیہ اختر اش نے سوری 07/02/2019 کو ماموں خود محمد غالب ولد دوست محمد (ملازم نیل پولیس سہ ماہیہ) کے گھر جا کر ہمہ تن پرورد پھونکی۔ اور ماموں سہ ماہیہ اختر اش نے غلاب کو روک دیا۔ اور یہ سہ ماہیہ سہ ماہیہ کی رپورٹ پر بر خلاف ذاکر اللہ قورنہ اول الذکر درج رجسٹر ہو کر مقدمات میں چلا گیا ہے۔

اسی مقدمہ کے رولٹل میں ذاکر اللہ نے بر خلاف ماموں گان خود محمد غالب، شاد خان پسران دوست محمد اور لوزا الرحمن ولد شاد خان درج دست و پاڑ کر کے جس پر اور انگریزی زیر دفعہ (2) 156 صف مقدمہ عدالت 442 سوری 04/04/2019 جرم 506/427/34 PPC تھانہ صدر درج رجسٹر ہو کر جس میں نام ماموں نے SBA منظور کر کے غلاب کو روک کر نیل خانہ اشیت نے درخواست نے ممانی واٹر کے جس پر کارروائی ہو رہی ہے۔ اور آئندہ تاریخ 20/05/2019 عدالت تھانہ میں نمبر ہے۔

اس کے بعد سوری 18/04/2019 کو شاد خان ولد دوست محمد ساکن خزانہ ڈھیری نے آفسران بالا کو درخواست دے کر SDPO صاحب تھانہ مردان نے شاد خان محمد جرم شتران اس شرط کے ساتھ تھانہ ہڈا بھگوانے۔ کہ اگر ماموں فریقین مسئلہ اش نامہ کے تحت حم ہوتا ہے۔ تو ٹھیک صورت دیکر اہرام علیہ کان نیاز علی ذاکر اللہ اور سید اللہ کے خلاف قانونی کارروائی عمل میں لائی جائے۔ لہذا ماموں فریقین کوئی فیصلہ کیلئے تیار نہ تھے۔ اہرام علیہ کان بالا کے خلاف مقدمہ عدالت 492 آڈیٹل درج ہو چکا ہے۔

چونکہ سابقہ SHO صاحب گوہر علی خان سوری 18/04/2019 کو بصورت تبادلہ پولیس افسر مردان جا کر آئیں جگہ میں SI صاحب تھانہ مردان بحیثیت SHO تھانہ صدر تھانہ ہڈا میں تعینات نہیں رہا تھا۔ جن کے فریقین کے ساتھ کوئی بااواسطہ یا بلاواسطہ اعلان نہیں کیا گیا ہے۔ اور نہ ہی کوئی شہادت ہے۔ تو SHO صاحب تھانہ صدر کے خلاف مانند الزامات میں کوئی صداقت نہیں ہے بلکہ ممانہ گھڑت اور بے بنیاد ہیں۔ اصل وجہ ماموں فریقین رشتہ پر تنازعہ ہے۔ جس سلسلہ میں قانونی مقدمات، بالا درج رجسٹر ہو کر کارروائی عمل میں لائی جا رہی ہے۔ درخواست کا عدیم تر اور دیگر اہل دفتر فرمایا جائے۔

20-05-19

Handwritten signature



(2)

بیان افان مخر ادریس A.S.1 حمانہ سیدر شعبہ لقصہ اس فریہ  
 ادریس بیان کرتا میرے مدعی بقولہ نثار خان ولد ادریس  
 خزانہ ڈھری اللہ اور ان کو ساطت انان بالا لڑی رکھیں  
 کہ صحتہ بلو اللہ لحر 18/9 اس کے حصفی بشی اور صحتہ بلو  
 حقہ ادریس ان لو مور کا پس از تعلیم و سلیانک (1) نیاز علی ولد سید  
 ② حبیب اللہ ③ ذاکر اللہ پیران نیاز علی سکان خزانہ ڈھری کا ورتنہ وار صحت  
 ادریس صحتہ بلو اللہ سب حبیب اللہ کا لامارک دہ خزانہ رشہ بلا اسکی  
 لیس صحتہ بلو اللہ سادہ انمارک باجہ اسکی ناز رشہ لیا ذریعہ ادریس  
 رشہ میں صحتہ بلو اللہ اور اینا بشی کا لاکھ طاکہ صحتہ بلو ادریس کا  
 کی دھری سکان در سادری بقولہ صحتہ بلو ادریس A.S.1 نیاز  
 چوکے چاکر کا دفعہ 492 در 18/19/19 3/4/5 سکت حمانہ سیدر  
 در 7/5/19 سکت لفتس میں A.S.1 کے حوالہ سیدر میں A.S.1 دفعہ صحتہ بلو  
 میں لفتس میں سکت لفتس میں سکت لفتس میں سکت لفتس میں  
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(Jocles)

Saddar 2019  
A.S.1 P. 22-07

میر ادریس A.S.1 حمانہ سیدر

Attested

[Signature]

Notary Public  
Saddar

[Signature]  
S. H. P. 1/10/19

Handwritten text at the top of the page, including the number 33 circled on the right.

Main body of handwritten text in Urdu, starting with "بسم اللہ الرحمن الرحیم" and ending with "Attested".

Second main body of handwritten text in Urdu, containing various signatures and names.

Handwritten text including the CNIC number: CNIC=16101-7468094-3

Handwritten signature or name at the bottom left.

Handwritten signature or initials at the bottom center.

Handwritten phone number: 0307-8303086

Printed text at the bottom right: DSP Legal Mardan

2429  
2008  
29  
34

Handwritten text in Urdu script, possibly a list or notes.

Handwritten text in Urdu script.

Handwritten signature and text in Urdu script.

Attest

Handwritten signature and text in Urdu script.

DSP Legal  
Mardan

بیان الزام محمد عبدالکبیر 2429 ZHC دکن نیاز علی ملک خزانہ دہری دران  
0314-9229792-1108

عین پولیس ڈیپارٹمنٹ میں ملازم اور سال 2016 میں لوئیر کلاس میں کٹر جان کر جان کر MA  
تعمیر یافتہ ہیں۔ اگرچہ کل کمشنر صاحب دران انھیں مردان گارڈ میں ڈیوٹی کر رہا ہے۔  
میں قتل زمین انڈیا میں دران ایف ڈی میں کٹر جان کر 34 سال قبل  
عربی ماموں نثار خان کی بیٹی سیدہ بیگم کے شوگر ایک ہفتہ بعد میں ت ماموں نثار خان  
کی اجازت سے گاؤں خود میں ایف ڈی رشتہ داروں کے درمیان ملا کر قتل کر کے جسم کی لاش جس میں  
نثار خان میں شریک تھا۔ جس وقت کی بات ہے پھر وقت محمد غالب برادران، محمد انور، ابراہیم،  
شاجر صالح خان ان میں موجود ہے۔ میں دو سال تک صاحب صاحب صاحب دران کے پاس  
من گنی کے دوران پہلا لگا چھوٹی ہوا تھا۔ (میں کٹر جان کر کٹر جان کر ایف ڈی میں  
ہوں۔ اللہ صبر رشتہ صحابہ پلوشتہ لیا تو صبر لگا ہے۔ تقریباً 9 سال بعد میں ایف  
ڈی میں تھی کی بات ہے کٹر جان کر ماموں کے پاس بعضی قوم ماموں کے رشتہ دار ہیں سے انکار کیا۔  
اور قبلا کٹر جان کر صبر ایف ڈی رشتہ سے انکار ہے۔ اور انکار کی کوئی ٹھوس دوسری نہیں تھی۔  
اسکے بات ہم نے کئی جگہ ماموں کے پاس بعضی مگر ماموں پر دستور وقتہ وقت سے انکار  
کر رہے ہیں۔  
ماموں کی بیٹی سیدہ بیگم کے رشتہ کی بات ہے سال دہریہ باخبر ہو چکا ہے۔ اگر پھر یہ صبر  
ماموں اور اسکے کی شہزادہ باہر رشتہ داروں میں کٹر جان کر اور ملازم تھی کٹر جان کر میں  
پر بات مانتے ہیں تیار ہوں۔ جو میرے 2018 میں ہوا ہے اس میں کوئی حقیقت نہیں ہے۔  
بلکہ اصل حقیقت صحابہ سے کٹر جان کر خلاف میں جسوں کے ساتھ بنا رہے ہیں۔

DSP Legal  
Mardan

محمد عبدالکبیر

محمد عبدالکبیر 2429 ZHC دکن نیاز علی ملک خزانہ دہری دران  
0314-9229792

رشتہ لینے کی بات 2017 یا 2018 یا سو گئی۔

رشتہ لینے سے انکار کر گیا زوری یا قوری 2019 کے ارڈیننس کے  
میں اب میں نے کیا حکم یا فیملی ملوٹ کا رشتہ سے لے کر  
کٹر جان کر لکھی کر ایف ڈی کے لئے۔ (میں) 0314-9229792  
رہا ہے) محمد عبدالکبیر علی ملک خزانہ دہری

میان ایزان محمد علی (2429) (مدی) (38)

۱- آثر مشارع کا رشتہ بہن زینبیا اور اس کی بی بی نہیں کرنا تو میں عدالت جاؤں گا۔ سزا دینے پر حکم لغو ہوگا۔

۲- میں سمجھتا ہوں کہ سلوٹس کا رشتہ بہن زینبیا اور اس کی بی بی نہیں کرنا تو میں عدالت جاؤں گا۔ سزا دینے پر حکم لغو ہوگا۔

۳- لنگے اس طرح سوائیکم مدعا ذریعہ لکھو لیں اور لنگے کے ذریعہ آثر راہی سے اور تو ان سے جو یہوں تو لنگے سے جاگے۔

۴- سلوٹس کا رشتہ بہن زینبیا اور اس کی بی بی نہیں کرنا تو میں عدالت جاؤں گا۔ سزا دینے پر حکم لغو ہوگا۔

محمد علی

محمد علی ولد منیر علی مسکن قسرا فہ ذہیری  
03149229792

سنان شاہ کا والد صاحب محمد خزانہ ڈھول بھنگی

قائم صدر - 3-7468094-16101-Nrc 8303086

سنان شاہ کے والد صاحب محمد خزانہ ڈھول بھنگی کا تعلق  
جو کہ سب سے پہلے کے خاندان سے ہے جو پہلے سے

وہ رہتا ہے۔ نرہ بیکم و خسترام بلوچہ اور سب سے پہلے  
محمد شاہ کے رشتہ کی بات ہے والد صاحب نے کہا ہے۔ اسی وقت  
بلوچہ کی عمر تقریباً 5 سال تھی۔ نکاح نہیں ہوا تھا۔ بلوچہ کی  
اس وقت عمر تقریباً 19/18 سال تھی۔ سب سے پہلے تقریباً 19 سال  
پہلے فوت ہو گئے ہیں۔ صرف 2007ء کو محمد شاہ اور دیگر حکم عمر

جن میں سنان شاہ کا بھی ہے، ایک محمد کا نام  
اور محمد کا والد صاحب شامل ہے۔ سب سے پہلے اور بلوچہ کی جملہ  
سے ماہر ناما دکان تاریخ کے ساتھ کہتے ہیں۔ میں نے اور سب سے پہلے  
انسانی کے ساتھ بلوچہ سے بات کی مگر والد صاحب نے کہا کہ وہ  
محمد شاہ کے ساتھ تھی نہیں کرنا چاہتیں لہذا صحت سے تھوڑے  
دنوں کے بعد محمد شاہ کے ساتھ ساتھ ذرا کرتے اور سب سے پہلے

Attested  
16/8/21

محمد شاہ کے ساتھ محمد شاہ کی۔ جن سے سب سے پہلے 2003ء سے 2002ء  
354/427/506/524 کا نمبر ہے اور سب سے پہلے 19/10/2003ء  
337 ACI - سب سے پہلے سب سے پہلے 442 کا نمبر ہے اور سب سے پہلے  
354/427/506/524 کا نمبر ہے اور سب سے پہلے (جاری)

Attested  
337 ACI

Dr. Nazeem  
Mansoor

37

اساتید کبار شیخ محمد حبیب اللہ کانپور، حلف عند اللہ کہ تمہارا تعلق ان  
 میں صنف ۱۵۶ کو مندرجہ درجہ کروانا ہوگا مگر اس وقت میں تشریح ہے  
 انکار کہ کبار محمد حبیب اللہ نے جمعہ دفعہ بیان میں اور اس کے علاوہ  
 سر رشتہ دار ہیں سر بیگم نور حسن، معانی محمد غالب، سر  
 سالوا لاسر اور فضل الرحمن کا اور دیگر لوگوں ہیں سنا کہ ان ما مرزا  
 مسٹر حسن فوگنڈا، اظہار ذلفان الدین اور ملک  
 مسٹر خان کو بھی بتایا کہ اس کے اثر ملوش، کار شہ محمد حبیب  
 کیانوی نے کیا تو نتائج کیلئے تیار ہے۔ علاوہ کے دیگر لوگوں  
 کو بھی اس بارے کا علم ہے۔

ماہ  
۱۵۱۹

Phnom

Allah  
8/21

DS Legal  
Mardan

جناب عالی!

39

بیان از ان محمد ادریس خان آسی قاضی ہند در شعبہ نقض اس تحریر کی  
 روئے بیان کرتا ہوں مدعی مقدمہ لٹارخان ولد دوست محمد ساکن خزانہ  
 ڈھیری لستہ روڈ نے بوساطت افسران بالا قریری درخواست دے کر کہ مسماۃ  
 پلوشہ بصر 18/19 سال اسکی حقیقی بیٹی ہے اور مسماۃ پلوشہ ہٹرڈ اثیر فون  
 یونیورسٹی میں زیر تعلیم ہے۔ ملزمان ① نیاز علی ولد میر زمان ② جیب اللہ  
 ③ ذاکر اللہ پسران نیاز علی ساکنان خزانہ ڈھیری اس کے رشتہ اری ہیں اور  
 مسماۃ پلوشہ کا رشتہ مسی گیب اللہ کیلے مانگ دینے سے جسے رشتہ سے اسکی  
 بیٹی مسماۃ پلوشہ نے خود انکار کیا ہے۔ اب ملزمان نے رشتہ کیلے ذبردستی اور  
 رشتہ میں رکاوٹ ڈالنے ہیں اور اپنی بیٹی کیلے فطرہ ظاہر کیا اور اغوا کرنے کی  
 دھمکی بیان کرے مدعی مقدمہ کی درخواست پر ہما بر سلطان آسی افسار چوکی  
 چھتار نے مقدمہ 492 مورخہ 04/18 جرم 3/4/5 غگ ایکٹ قاضی  
 ہند در رجسٹر کر کے جسکی نقیشت من آسی کو حوالہ ہو کر من آسی نے مقدمہ  
 ہذا میں نقیشت شروع کرے حسب نشانہ مدعی مقدمہ نقضہ فوقہ بلا سکیل  
 مرتب کرے مقدمہ ہذا میں مسماۃ پلوشہ کا بیان زیر دفعہ 161 فی ریفیوڈ  
 کیا ہے۔ پردہ فریقین کے مابین قبل ازین قدمات در رجسٹر ہو کر جن کی  
 نقول FIR شاملہ مثل مقدمہ ہیں۔ مسماۃ پلوشہ دفتر نتار نے ہی رپورٹ کی  
 تاثیر کرے اور ملزمان سے خطرہ ظاہر کیا ہے دوران نقیشتی ملزمان کے  
 میان سے بھی یہ معلوم ہوا ہے کہ ملزم جیب اللہ مسی نتارخان مدعی  
 مقدمہ کا حقیقی ما نجا ہے اور پولیس میں ملازم ہے جس کا رشتہ مسماۃ پلوشہ  
 کیلے مانگ دینے سے جو کہ مسماۃ پلوشہ بالغ و عاقل ہے اس رشتہ سے انکاری ہے  
 لیکن ملزم جیب اللہ مسماۃ پلوشہ سے رشتہ یعنی شاری کیلے بہن ہے اور  
 اسی سے شاری کا خواہشمند ہے جس نے مدعی مقدمہ اور مسماۃ پلوشہ کو دیگر ملزمان  
 مندرجہ FIR رشتہ دینے اور کسی اور شاری نہ کرنے کا زور دیا ہے۔ مقدمہ  
 ہذا میں ملزمان حسب ضابطہ گرفتار ہو کر جن کے بیانات زیر دفعہ 161 فی  
 قلمبند کے ہیں بہ اعتبار شہادت گواہان ملزمان کے خلاف چالان مکمل درج ہے۔  
 مقدمہ ہذا زیر سماعت عدالت ہے یہی میرا بیان ہے جو کہ درست ہے۔

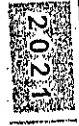
محمد ادریس آسی قاضی ہند

ASE-PS-SADAR  
18-01-2021



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

Tel No. 0937-9230100 & Fax No. 0937-9230111  
Email: dpomdn@gmail.com



Dated 28/2/2021

FINAL SHOW CAUSE NOTICE

Constable Mujeeb-Ullah No. 2429, while posted at PS Choorra, now Police Lines Mardan, has been charged in a case vide FIR No.492 dated 18-04-2019 U/S ¼ -5 Ghag Act PS Saddar.

In this connection, during the course of De-novo Departmental Enquiry, conducted by Mr. Rahim Hussain, the then SP/Ops Mardan vide his office letter No.46/PA (Ops) dated 11-02-2021, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.166/PA dated 29-04-2019, holding responsible you of misconduct.

You were heard in OR on 24-02-2021, but you have failed to satisfy the undersigned, therefore, you are being issued this final show cause notice.

Therefore, it is proposed to impose Major/Minor penalty as envisaged under Rules 4 (b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I Dr. Zahid Ullah (PSP) District Police Officer Mardan, in exercise of the power vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of receipt of this Notice, failing which, it will be presumed that you have no explanation to offer.

You are liberty to appear for personal hearing before the undersigned.

Received by

Dated: 01/03/2021


(Dr. Zahid Ullah) PSP  
District Police Officer  
Mardan

Copy to RI Police Lines Mardan (Attention Reader) to deliver this Notice upon the alleged official & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.

P. 1

جسٹس

فائل نمبر 44 PA  
25-2-21  
ڈیپوٹیشن کے لیے درخواست  
میں مذکورہ ایف ڈی آر کے تحت  
مقررہ ایف ڈی آر کے تحت  
مقررہ ایف ڈی آر کے تحت

  
R. 1 - Police line mazdan  
01 - 03 - 2021

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BEFORE THE DISTRICT POLICE OFFICER, MARDAN

REPLY TO THE SHOW CAUSE NOTICE NO.44/PA  
DATED:25-02-2021

Respected Sir,

It is submitted that your honour had issued the subject show cause notice to the petitioner with the following allegations:

" That Constable Mujeeb-Ullah No.2429 , while posted at PS Chooranow Police Lines Mardan,has been charged in a case vide FIR No.492 dated 18-04-2019 U/S 3/4/5 Ghag Act,PS Saddar. " (Copy of FIR is enclosed)

My detailed submissions in response to the above allegations are as under:-

1. That one Nisar Khan s/o Dost Muhammad r/o Khazana Dheri,Mardan has submitted an application against the (Petitioner) Mujeeb-Ullah and Zakirullah sons of Niaz Ali and Niaz Ali to the effect that the petitioner wants to marry forcibly his daughter Mst.Palwasha aged 18/19 years. Mst Palwasha has refused of her own free will to marry the one Mujeeb-Ullah.After refusal of my daughter from marriage,the Mujeebullah and his family members are regularly threatening us with dire consequences On the basis of this report the above FIR No.492 dated 18-04-2019 U/S 3/4/5-Ghag Act at PS Saddar has been registered against the petitioner Mujeeb-Ullah,Zakir-Ullah and his father Niaz Ali.
2. That later on the petitioner and his brother and father sought post arrest Bail from the Honouable Cort of Faryal Zia Mufti ASJ-Vi Mardan on 02-05-2019.(Copy of Bail Order is attached)
3. That in this connection a De-novo departmental Enquiry was conducted by Mr.Rahim Hussain,SP/Ops Mardan vide his office letter No.46/PA (Ops) dated 11-2-2021,in pursuance of statement of Disciplinary Action/charge sheet No.166/PA dated 29-04-2019,holding the petitioner responsibl for the alleged misconduct.
4. That on vide DPO Office letter no. 44/PA dated 25-02-2021 a "Final Show Cause Notice" has been issued which is received to the petitioner on 01-03-2021.

GROUND OF DEFENCE:

OR  
DPS Mardan  
That the petitioner alongwith his brother and father have been falsely implicated on the basis of concocted and fake story.The KPK Ghag Act-2013 donot envisage the actual essence of arranged proposal/ engagements/ marriages. In the petitioner case there is no any citation or relevancy towards the involvement in the customary rite of "Ghag" the SHO SI Ajab Khan Durrani has never confirmed the actual happening of the alleged staged drama by the one Nisar Khan and his daughter.It is a sort of Matrimonial dispute and having no connection whatsoever with the Ghag Act. Any baseless allegation should not be diverted into the criminal prosecution of someone to ruin his life and career.

That the time of occurrence and witnesses are fake and just to implicate the petitioner and his family on the basis of Ghag Act. Any family dispute should not be labelled with Ghag act so far in the context of the petitioner has happened now.

view, the products service of the E.O &

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- d. The whole allegation of forceful marriage is baseless and the engagement ceremony of the petitioner had taken place some two years ago in the presence of more than 250 people. Afterwards many ceremonial rites took place between the two families. Then how the petitioner has been blamed for the commission of alleged "Ghag" which is totally an arranged "Rishta" being denied on the grounds of infidelity and conspiracy alone.
- e. The investigation of the case has since been completed. Complete challan has been submitted in the court which is pending. The fate of the criminal case has yet to be decided by the competent court of law. The competent authority of police department has been required to keep pending the departmental proceedings till the final judgment of the court but in the instant case such principles have been ignored, which is against the norms of justice.
- f. The petitioner has not been dealt departmentally prior to this, which is evident from the shining service record of the petitioner.

Keeping in view of the above facts and circumstances, the "Final Show Cause Notice" issued by your Honour may kindly be filed, please.

Yours Obediently,

(CONSTABLE NAJEEB-ULLAH)  
NO.2429  
COMMISSIONER OFFICE, MARDAN.

Dated: March, 2021.

The officer was heard multiple times & he sought time to resolve the issue. The lady is his cousin & he is still persisting with his demand & not minding his ways. The officer is part of disciplined force & such demands high level of professional & personal conduct. The officer has served 24 bad entries in his service. Keeping in view, the findings of the B.O.



**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: [dpomdn@gmail.com](mailto:dpomdn@gmail.com)

2022

No. 2881-23 /PA

Dated 4/4/2022

**ORDER ON ENQUIRY OF LHC MUJEEB ULLAH NO.2429**

This order will dispose-off a Departmental Enquiry under Police Rules 1975. initiated against LHC Mujeeb Ullah No.2429, under the allegations that while posted at Police Station Choora (now PS Sheikh Maltoon), was placed under suspension vide this office OB No.900 dated 23-04-2019, issued vide order/endorsement No.2765-69/OSI dated 25-04-2019, (who was later-on re-intated in service provisionally vide this office OB No.1953 dated 18-09-2019, issued order/endorsement No.5768-71/OSI dated 19-09-2019) on account of charging in a case vide FIR No.492 dated 18-04-2019 U/S 3/5 Ghag Act PS Saddar, & to ascertain facts, he was proceeded against departmentally through ASP Zia Ullah, the then SDPO Takht-Bhai vide this office Statement of Disciplinary Action/Charge Sheet No.166/PA dated 29-04-2019, who (E.O) after fulfillment necessary process, submitted his Finding Report to this office vide his office letter No.1116/ST dated 28-05-2019, concluding that all the fault doesn't lie on LHC Mujeeb Ullah, as both parties are equally responsible for their due share, so recommended him for warning.

On perusal of above findings, Mr. Sajjad Khan, the then DPO Mardan didn't agree with Enquiry Officer (SDPO Takht-Bhai) and the issue was re-enquired (de-novo) through Mr. Muhammad Ayaz, the then SP/Investigation Mardan, who (SP/Inv: Mardan) vide his office letter No.1071/PA/Inv: dated 03-10-2019, reiterated the stance of SDPO Takht-Bhai by recommending warning for LHC Mujeeb Ullah. On perusal of findings of the then SP/Investigation Mardan, the enquiry papers were kept pending by Mr. Sajjad Khan, the then DPO Mardan on 08-11-2019 till court's decision.

On taking over charge as DPO Mardan by the undersigned, the enquiry papers were re-enquired (de-novo) through Mr. Rahim Hussain, the then SP/Operations Mardan, who (SP/Ops) vide his office letter No.46/PA (Ops) dated 11-02-2021, holding responsible LHC Mujeeb Ullah of misconduct by pressuring/compelling parents of Mst. Palwasha to conduct her marriage with him without her consent & any Nikah. His act is against the rules/regulations of the department, which can lead to any odd situation in future.

**Final Order**

During hearing in OR on 24-02-2021, LHC Mujeeb Ullah failed to present any plausible reasons in his defense, therefore, he was served with a Final Show Cause Notice, issued vide this office No.44/PA dated 25-02-2021, to which, his reply was received and found unsatisfactory, therefore, he was again heard in OR on 30-03-2022, during which, he could not satisfy the undersigned.

The above discussion revealed that the delinquent official was heard multiple times & he sought time to resolve the issue. The lady is his cousin and he is still persisting with his demand and not mends his ways. The official is part of disciplined force, which demands high level of professional and personal conduct. He has earned (24) bad entries in his service, therefore, keeping in view the findings of the Enquiry Officer and material on record, LHC Mujeeb Ullah is awarded major punishment of compulsory retirement from Mardan Police with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 843

Dated 01/4/2022

*(Signature)*  
**(Dr. Zahid Ullah) PSP  
District Police Officer  
Mardan**

Copy forwarded for information & n/action to:-

- 1) The DSsP/HQrs & Sheikh Maltoon in Mardan.
- 2) The P.O & E.C (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with ( ) Sheets.

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ORDER.

This order will dispose-off the departmental appeal preferred by Ex-LHC Mujeeb Ullah No. 2429 of Mardan District against the order of District Police Officer Mardan, whereby he was awarded major punishment of compulsory retirement from service vide OB: No. 843 dated 01.04.2022. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Choorra was placed under suspension on account of involvement in a case vide FIR No. 492 dated 18.04.2019 u/s 3/4 - 5 Ghag Act Police Station Saddar, District Mardan.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Sub Divisional Police Officer, (SDPO) Takht Bhai, Mardar was nominated as enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his report to District Police Officer, Mardan concluding that all the fault doesn't lie on the delinquent Officer, as both parties are equally responsible for their due share, so recommended him for warning.

On the perusal of findings, the then District Police Officer, Mardan didn't agree with the Enquiry Officer and the issue was re-enquired (de-novo) through the then Superintendent of Police, Investigation, Mardan. He reiterated the stance of the then Sub Divisional Police Officer, (SDPO) Takht Bhai, Mardan by recommending warning for the delinquent Officer. On perusal of findings of the then Superintendent of Police, Investigation, Mardan, the enquiry papers were kept pending by the then District Police Officer, Mardan on 08.11.2019 till court decision.

On taking over the Charge as District Police Officer, Mardan by Dr. Zahid Ullah, the enquiry papers were re-enquired through the then Superintendent of Police, Operation, Mardan. The then Superintendent of Police, Operation, Mardan held responsible the delinquent Officer as he (delinquent Officer) pressurized/compelled Mst: Palwasha to contract marriage with him without her consent.

The delinquent Officer was heard in person in orderly Room on 24.02.2021 but he failed to present any plausible reasons in his defense, therefore, he was issued Final Show Cause Notice to which his reply was received and found unsatisfactory, however, the delinquent Officer was again heard in person in Orderly Room on 30.03.2022, during which he again failed to justify his innocence.

As the delinquent Officer was heard multiple times who sought time to resolve the issue. The Lady was his cousin and he was still persisting with his demand and did not mend his way. Therefore, keeping in view the findings of the enquiry Officer

*[Handwritten signature]*

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The material on record the delinquent Officer was awarded major punishment of compulsory retirement from service vide OB: No. 843 dated 01.04.2022.

He preferred departmental appeal before the then Regional Police Officer, Mardan and appeared in orderly Room held in this office on 01.06.2022 heard him in person and Superintendent of Police, Investigation, Mardan was asked to submit his report regarding the involvement of appellant in the aforementioned FIR vide this office endorsement No. 3877/ES dated 01.06.2022.

The Superintendent of Police, Investigation, Mardan vide his office Memo: No. 546/PA/Inv: dated 23.08.2022 submitted his report according to which he held responsible the appellant and recommended that appeal of the appellant may be filed.

Hence, the appellant was again called in Orderly Room held in this office on 28.09.2022. In light of aforementioned, report of Superintendent of Police Investigation, Mardan.

From the perusal of ibid report it transpired that the appellant is not letting her cousin at any cost to marry on her own sweet will rather adamant that she will only marry him which clearly shows the nexus of appellant with the commission of offence. Moreover, the involvement of appellant in this heinous criminal case, is clearly a stigma on his conduct. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. He could not present any cogent justification to warrant interference in the order passed by the competent authority.

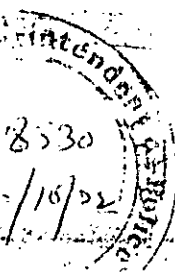
Keeping in view the above, I, Muhammad Ali Khan, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.

  
Regional Police Officer,  
Mardan.

No. 7677-78 /ES, Dated Mardan the 03 / 10 /2022.

Copy forwarded for information and necessary action to the:-  
1. District Police Officer, Mardan w/r to his office Memo: 117/LB dated 17.05.2022. His Service Record is returned herewith.  
2. Superintendent of Police, Investigation, Mardan w/r to his office Memo: No. 546/PA/Inv: dated 23.08.2022.  
(\*\*\*\*\*)

  
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6/10/22

DSP Legat/EC/DAS ✓  
for info & subject

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

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**Service Appeal No.213/2024**

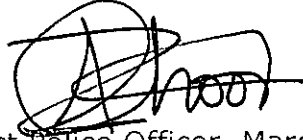
Mujeeb Ullah Ex-LHC No. 2429 .....Appellant

**VERSUS**

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others  
.....Respondents

**AUTHORITY LETTER.**

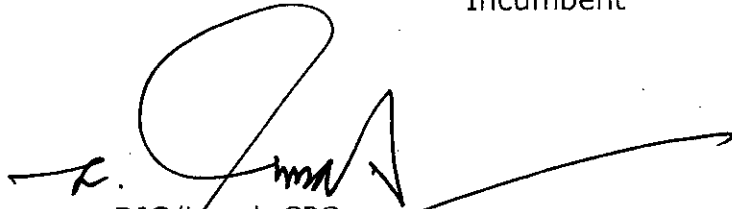
Mr. Atta-ur-Rehman Inspector Legal, Mardan is hereby authorized to appear before the Honorable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.



District Police Officer, Mardan.  
(Respondent No. 3)  
**(ZAHOOR BABAR)<sup>PSP</sup>**  
Incumbent



Regional Police Officer, Mardan.,  
(Respondent No. 2)  
**(NAJEEB-UR-REHMAN BUGVI)<sup>PSP</sup>**  
Incumbent



DIG/Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 1)  
**(DR. MUHAMMAD AKHTAR ABBAS)<sup>PSP</sup>**  
Incumbent