

SUPREME COURT OF AZAD JAMMU AND KASHMIR

(Appellate Jurisdiction)

PRESENT:

Raza Ali Khan, J.

CRIMINAL PLA NO. 24 OF 2025

(Against the judgment,
dated April 15, 2025,
passed by the High Court in
Review Petition No. 11/
2024)

Muhammad Kabeer Khan & another

... Petitioner(s)

VERSUS

Zia-ul-Islam, ASI, at present posted at FIA, Abbottabad &
6 others.

... Respondent(s)

Appearances:

For the petitioner(s): Kh. Shoukat Hussain Ganai,
Advocate.

For the respondent(s): Mr. Khalid Bashir Mughal,
Advocate.

Director General Anti- In person.
Corruption

Date of hearing: 22.07.2025.

ORDER:

Raza Ali Khan, J:- The present petition for leave to appeal arises out of the judgment of the High Court dated April 15, 2025, whereby the High Court dismissed the petitioners' review petition involving serious allegations of misconduct and physical torture against police official/respondent No. 1.

2. The facts of the case, as narrated, are that FIR No. 04/2020 under Section 5(2) of the Azad Kashmir Prevention of Corruption Act, 1950 (PCP) read with Section 109 of APC was registered at the Police Station Muzaffarabad on the direction of the High Court through its judgment dated September 17, 2020. Thereafter, the accused persons filed a petition for leave to appeal before this Court, which was decided on November 23, 2022. Following the said decision, the accused sought bail before arrest before the Court of competent jurisdiction, which was confirmed by the Special Judge Anti-Corruption, Muzaffarabad, through order dated January 14, 2023. Feeling aggrieved, the petitioners filed a revision petition before the High Court. During the pendency of the revision, the learned counsel for the accused raised an objection that the *Ikhtatami* (final report) had already been prepared and submitted before the competent Court, and that further proceedings would be an exercise in futility. Relying upon this submission, the High Court dismissed the revision petition through its judgment dated May 27, 2024. The petitioners, thereafter, filed an application before the Director General, Anti-Corruption, on June 6, 2024, seeking

verification of the alleged *Ikhtatami*. Upon inquiry, it was revealed that no final report had been proposed or submitted and that the matter was still under investigation and had not been consigned to record. In light of these disclosures, the petitioners filed a review petition before the High Court challenging the judgment dated May 27, 2024. The High Court, after conducting the necessary proceedings, dismissed the review petition through the impugned judgment dated April 15, 2025.

3. Owing to the gravity of the allegations, this Court deemed it necessary to summon the Director General Anti-Corruption. In compliance, the Director General Anti-Corruption appeared before the Court and submitted that the matter had already undergone multiple rounds of investigation, all of which concluded that the allegations were entirely false and contrived. Despite such findings, the petitioners continued to pursue protracted litigation, thereby preventing the matter from attaining finality. It was further submitted that, in the interest of transparency, the Director General Anti-Corruption personally invited the petitioners to produce the witnesses on whose statements the case purportedly rested; however, the petitioners failed to bring forth any witness or corroborative material in support of their claims.

4. When confronted with these developments, the learned counsel for the petitioners submitted before the Court that his clients had decided just the previous night to pardon the accused-respondents. This 11th hour retraction casts serious doubt on the bona-fide of the

petitioners and renders the litigation frivolous and vexatious in nature. Such conduct not only undermines the sanctity of the judicial process but also constitutes a clear abuse of process of law and the Courts. Additionally, the impugned judgment is found to be well-reasoned and free from legal infirmity or jurisdictional defect. No arguable question of law has been raised warranting the grant of leave.

In view of the foregoing, the petition for leave to appeal is refused. Owing to the frivolous nature of the proceedings and the waste of valuable judicial time, the petition is dismissed with costs amounting to Rs. 20,000/- (twenty thousand), to be deposited before this Court within thirty (30) days.

JUDGE
(JII)

Muzaffarabad,
22.07.2025.