JUDGMENT SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.

WRIT PETITION NO. 1491 of 2025

SAYED DAWOOD SHAH

VS

INSPECTOR GENERAL OF POLICE AND ANOTHER

Petitioners by	**:**	**Mr. Hazrat Younas, Advocate.**
Respondents by	**:**	**Mr. Tasawar Iqbal, State Counsel.** **Mr. Sajid Cheema, DSP (Legal), ICT Police.** **Mr. Khalid, ASI, Police Station Karachi Company.**
Date of hearing	**:**	**02.05.2025**

MUHAMMAD AZAM KHAN, J.

1. Through the instant Writ Petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (hereinafter referred to as the **"Constitution"**), the Petitioner seeks direction to the Respondents to expunge the name of the Petitioner from any criminal record, watchlist, or internal police database maintained in relation to FIR No. 40/2022 dated 11.01.2022 registered at Police Station Karachi Company **("Subject FIR")**; to issue a Police Character Certificate (PCC) to the Petitioner, certifying his acquittal and confirming that he bears no criminal liability; and to restrain from disclosing or referring to the said FIR in any future communication or record pertaining to the Petitioner.

2. The brief facts as per the Memo of Petition are that the Subject FIR was registered at Police Station Karachi Company under Sections 186, 337-F(i), 353, and 427 PPC, wherein the Petitioner was nominated as an accused. The Petitioner contends that the said FIR was lodged due to a misunderstanding, with no criminal intent or wrongdoing on his part. The matter was duly investigated and proceeded to trial. Subsequently, the learned Trial Court, upon recording evidence including the statement of the Complainant who failed to identify the Petitioner as the perpetrator, acquitted the Petitioner vide Judgment dated 07.03.2023. The acquittal was not challenged by the prosecution and has attained finality. Following the acquittal, the Petitioner applied for a Police Character Certificate (PCC) for professional and immigration purposes. However, he was informed that despite his acquittal, the said FIR continues to reflect in the police record against his name. The Petitioner

submitted a certified copy of the judgment and requested removal of his name from the relevant databases, but to no avail. Hence, the present Writ Petition has been filed.

3. The learned counsel for the Petitioner avers that the Petitioner is currently in the process of immigrating to the United States, where his wife and daughter, both dual nationals, reside. As part of the visa process, submission of a clear PCC is mandatory. The continued appearance of an obsolete FIR in official police records poses serious prejudice to the Petitioner's immigration prospects and professional future, allegedly in violation of Articles 4, 9, 14, and 15 of the Constitution. The learned counsel for the Petitioner further asserts that the actions of the Respondents in failing to expunge his name post-acquittal are arbitrary, illegal, and unsupported by any lawful authority. He submits that this not only tarnishes his reputation and dignity but also infringes upon his fundamental rights, including the right to travel and to unite with his family abroad. It is further submitted that the superior judiciary has consistently held that post-acquittal, any continuation of adverse police record is unlawful and in violation of constitutional protections. The learned counsel concludes that the Petitioner has no alternate efficacious remedy except to invoke the constitutional jurisdiction of this Court.

4. On the other hand, the learned State Counsel, representing the Respondents, opposes the Petition and submits that although the Petitioner was ultimately acquitted by the learned Trial Court, the record of the FIR constitutes part of the official police documentation, which reflects historical data of registered cases and cannot be unilaterally expunged or erased. The learned State Counsel contends that issuance of a Police Character Certificate (PCC) falls within the administrative domain of the law enforcement authorities, who are bound to mention all FIRs registered against an individual, irrespective of the outcome, unless a formal expunction order is passed by a competent authority or court of law. It is submitted that the continuation of FIR details in the police database does not, by itself, amount to a violation of fundamental rights, particularly when the Petitioner has not been subjected to any current legal action, surveillance, or harassment. The learned State Counsel further argues that the police records serve a broader purpose, including record-keeping and inter-agency coordination, and that the mere presence of an acquitted FIR in the system does not cause any actionable harm unless it is shown

that such record is being misused or weaponized against the individual in violation of law or policy. In view of the above, the learned State Counsel prays for dismissal of the Petition, submitting that the relief sought is not maintainable in the given circumstances.

5. I have heard the learned counsel for the Petitioner as well as the learned State Counsel and have perused the record with their able assistance.

6. It is admitted that the Petitioner was nominated in the Subject FIR registered under Sections 186, 337-F(i), 353, 427, and 34 PPC. The record shows that the case was investigated and eventually tried before the competent Court of jurisdiction. The Petitioner was acquitted by the learned Trial Court vide Order dated 07.03.2023 under Section 249-A Cr.P.C. based on a statement made by the Complainant to the effect that he had not correctly identified the Petitioner as the person responsible for the alleged offence.

7. It is also observed that the acquittal of the Petitioner, as recorded by the learned Trial Court, was not resisted or contested by the Complainant at the trial stage rather it was made on the basis of the statement made by the Complainant before the Court. This conduct is indicative of the Complainant’s acceptance of the acquittal and, consequently, there appears to be no reasonable likelihood of the same being challenged through an appeal or revision. As such, the acquittal has attained finality and reinforces the Petitioner’s exoneration from the alleged offence and no adverse inference or stigma can lawfully be drawn from an FIR or trial that has culminated in an unchallenged acquittal, particularly one based on the complainant's express retraction or clarification.

8. However, the contention of the learned State Counsel, that police records serve broader administrative and operational purposes, such as record-keeping, internal referencing, and inter-agency coordination is not without merit. It is a recognized principle that law enforcement agencies are vested with the authority to maintain internal records of reported incidents, including FIRs, for institutional memory, trend analysis, and coordination with other security agencies. The mere retention of such data for legitimate administrative use, without any unlawful dissemination or misuse, does not *per se* constitute a violation of the fundamental rights of an individual.

9. It is further to be noted that the constitutional jurisdiction of this Court cannot be invoked to interfere with internal database management functions of the police, in the absence of any demonstrable abuse, targeted discrimination, or tangible harm flowing from the mere presence of such an entry. So long as the record is not being misused or weaponized against the Petitioner in derogation of law or settled rights, the relief seeking complete expunction or deletion of the FIR from all police records cannot be granted under Article 199 of the Constitution. Therefore, the Petition, to the extent that it seeks the general removal or deletion of FIR No. 40/2022 from internal police databases, is found to be not maintainable, and stands declined.

10. Nonetheless, as far as the principal grievance of the Petitioner that is confined to the refusal by the Respondents to issue a Police Character Certificate (PCC) that reflects his present legal standing as a person having no criminal liability or conviction is concerned, it is a settled principle of law that once an accused has been acquitted, especially on the basis of a Complainant's own clarification exonerating him, the person stands fully discharged of the allegation in the eyes of the law. Hence, the continued mention or reproduction of such an FIR in official character certification, despite the acquittal, is unwarranted, unjustified, and contrary to the dignity guaranteed under Article 14 of the Constitution as it would amount to carrying a permanent and undeserved mark of suspicion against a citizen who has already been exonerated. Accordingly, this Court is of the considered view that the Petition deserves to be allowed to the extent of directing the Respondents to issue a Police Character Certificate in favor of the Petitioner, without reference to the Subject FIR, in recognition of the Petitioner's acquittal which has attained finality and was based on the complainant's statement disassociating the Petitioner from the alleged incident.

11. In view of the foregoing discussion, the instant Petition is **partly allowed** to the extent that the Respondents are directed to issue a Police Character Certificate in favor of the Petitioner, omitting any reference to FIR No. 40/2022, within fifteen (15) days from the date of receipt of a certified copy of this Judgment.

(MUHAMMAD AZAM KHAN)
JUDGE

Adnan/--