**JUDGMENT SHEET**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**

**WRIT PETITION NO. 2752 of 2025**

**YASMEEN YASIN**

**VS**

**SENIOR SUPERINTENDENT OF POLICE (SSP)/DIG (OP), ISLAMABAD & 5 OTHERS**

**Petitioner by : Mr. Hassan Raza Khan, Advocate along with Petitioner.**

**Respondents by : Ms. Ramsha Khalid, State Counsel.**
**Mr. Sajid Cheema, DSP (Legal), ICT Police.**

**Date of hearing : 21.07.2025**

**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**s** to the Respondents to remove all stigmatizing references from the Police Character Certificate **("PCC")** and issue a clean version henceforth, certifying her acquittal and confirming that she bears no criminal liability; and to restrain from disclosing or referring to the FIR No. 99, dated 07.02.2021, under Sections 142, 147, 149, 186, 228, 341, 342, 353, 395, 422, 427, 440, 452, 506 PPC read with Section 7 of the ATA, 1997, registered with P.S Ramna, Islamabad **("Subject FIR")**.

2. The brief facts, as set out in the Memo of Petition, are that the Subject FIR was registered at PS Ramna under various Sections of PPC read with Section 7 of the ATA, 1997, naming the Petitioner as an accused. The Petitioner maintains that the Subject FIR arose from a misunderstanding absent *mens rea*. Following a full investigation and trial, her application under Sections 265-D and 265-K Cr.P.C. led to acquittal by the Trial Court on 28.04.2025. This acquittal became final as no appeal was filed. Subsequently, she applied for PCC, which was issued on 02.06.2025 (No. ISB-657507). To her surprise, the PCC still referenced the Subject FIR despite her acquittal. The Petitioner then submitted a written representation on 20.06.2025 (Diary No. 1562-CC-DIG-ISB) to the DIG**,** Operations, Islamabad **(Respondent No. 1)**, requesting removal of the stigmatizing FIR references. Despite the Respondent No. 1 seeking a legal opinion, no corrective action was

taken, even after the Petitioner provided a judgment of this Court dated 02.05.2025 passed in W.P. No. 1491/2025. Hence, this Writ Petition was filed.

3. The learned counsel for the Petitioner contends that despite the Petitioner's acquittal in the Subject FIR, the PCCs dated 02.06.2025 and 03.07.2025 (DY Nos. ISB-673858) continue to reference the Subject FIR, perpetuating stigma. This practice is arbitrary and infringes Articles 4, 10-A, and 14 of the Constitution. It violates settled legal principles that an acquittal restores the presumption of innocence and erases all criminal stigma as no offence is deemed to have occurred. Issuing a Character Certificate containing prejudicial and unnecessary details constitutes a colorable exercise of discretionary administrative power lacking legal justification. Such disclosure impairs the Petitioner's right to employment, professional reputation (as an Advocate of the High Court), and freedom to travel, functioning effectively as a *de facto* conviction. The learned counsel prays that this Writ Petition be allowed as prayed for.

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 PCC falls within the executive discretion 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 State Counsel also contends that police records fulfill wider functions, such as maintaining documentation and facilitating coordination between agencies. He argues that simply having an FIR, in which the Petitioner was acquitted, in the system does not amount to actionable harm unless there is evidence that the record is being exploited or used unlawfully against the individual, in breach of legal or policy provisions. 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. The case was investigated and eventually tried before the competent Court of jurisdiction and the Petitioner was acquitted by the learned Trial Court vide Judgment dated 28.04.2025 under Section 265-K Cr.P.C.

7. It is also observed that the acquittal of the Petitioner has not been challenged by the prosecution, evidencing the prosecution's acquiescence to the acquittal, while the acquittal has also attained finality and reinforces the Petitioner's exoneration from the alleged offences and no adverse inference or stigma can lawfully be drawn from an FIR or trial that has culminated in an unchallenged acquittal.

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. Provided that 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 the Subject FIR 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 PCC that reflects her 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, the accused stands absolved of all criminal culpability 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 PCC in favor of the Petitioner, without reference to the Subject FIR, in recognition of the Petitioner's acquittal which has attained finality.

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 the FIR No. 99/21, within fifteen (15) days from the date of receipt of a certified copy of this Judgment. The Respondents are further directed not to make any reference to the aforementioned FIR in any future Police Character Certificate to be issued in favour of the Petitioner.

**(MUHAMMAD AZAM KHAN)**
**JUDGE**

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