JUDGEMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

JUDICIAL DEPARTMENT

Writ Petition No. 3228 of 2026

Aniba Arfan

VERSUS

Federation of Pakistan, through Secretary M/o Interior, etc.

PETITIONER BY:	Mr. Waqas Ahmed, Advocate
RESPONDENTS BY:	Mr. M. Taimoor Janjua, State Counsel. Mr. Murtaza Haral, S.I., P.S Shalimar, Islamabad.
DATE OF HEARING:	24.09.2026

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AYYAZ SHAUKAT, J:- The petitioner invokes the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 **(the "Constitution")**. She calls in question Police Character Certificate No.ISB-827871 dated 30.05.2026 **(the "impugned certificate")**. The said certificate was issued to her by respondent No.4, the Senior Superintendent of Police (Operations), Islamabad, for the purpose of travelling to the United Kingdom. The impugned certificate refers to F.I.R. No.128 of 2016 of Police Station Shalimar, Islamabad. The petitioner was acquitted of the charge in that case nearly nine years ago. She accordingly seeks the issuance of a fresh certificate which makes no reference to that F.I.R.

2. The relevant facts lie in a narrow compass. The petitioner, her brother Umer Parwez and her sisters Faiza Parwez and Khadija Parwez were nominated as accused in F.I.R. No.128 of 2016 dated 25.04.2016. Vide order dated 20.09.2017, the learned Judicial Magistrate 1st Class, Islamabad (West) acquitted all four of the accused. The said order of acquittal was never challenged and has attained finality.

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3. The impugned certificate lists the said F.I.R. and records its status as "Discharged during investigation and agreed by the Court". It further carries the remark "Not involved. No adverse effect." A second table reproduces the F.I.R. with the status shown as "Discharge". The petitioner's sisters had earlier been issued certificates in identical form. They assailed those certificates in Faiza Perwez v. Federation of Pakistan (W.P. No.1859 of 2026). This Court allowed that petition on 13.05.2026 and directed the respondents to issue fresh certificates omitting any reference to the said F.I.R. The impugned certificate was issued to the petitioner barely seventeen days thereafter.

4. Learned counsel for the petitioner contended that the petitioner is identically placed as her sisters. The respondents were parties to W.P. No.1859 of 2026, and were therefore bound to extend the same treatment to her. He submitted that the reference to an F.I.R. which has ended in an unchallenged acquittal is violative of Articles 4, 10A, 14 and 25 of the Constitution. He added that it has occasioned prejudice to the petitioner in her dealings with foreign authorities.

5. Learned State Counsel did not controvert the fact of acquittal. He maintained that the police are duty-bound to maintain a record of every registered F.I.R. According to him, the certificate merely reflects the said record.

6. The learned counsel for the parties have been heard and the record has been perused with their assistance.

7. Adverting to the merits, the first matter which calls for notice is the manner in which the impugned certificate states the petitioner's legal status. It records that she was "Discharged during investigation and agreed by the Court". That is factually and legally incorrect. Her case culminated in an order of acquittal passed by a court of competent jurisdiction. A

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discharge and an acquittal entail distinct legal consequences, and the Code of Criminal Procedure, 1898 maintains the distinction between the two. By describing the petitioner as discharged, the impugned certificate misstates and understates her legal position. It conveys to the reader the impression that the matter may not have attained closure. That impression is erroneous.

8. The impugned certificate describes itself as a "system generated document". That description does not alter the legal position. The certificate is issued in the name and under the authority of respondent No.4. He is answerable for its contents as fully as if the same had been written by him in his own hand. The deployment of an automated system is merely a matter of administrative convenience. It does not dilute the obligation of a public functionary to issue a document which is accurate and lawful. A public functionary must, in any event, exercise every power or discretion vested in him fairly, reasonably and in good faith (Government of Pakistan through Secretary, Ministry of Interior v. Dada Amir Haider Khan, PLD 1987 SC 504).

9. The inaccuracy alone would suffice to warrant interference. The matter, however, does not rest there, for even an accurate entry would not have been lawful. This brings me to the principal question, namely whether the respondents may disclose, in a police character certificate, an F.I.R. which has culminated in a final acquittal.

10. A police character certificate is not governed by any statute; neither the Police Order, 2002 nor the Police Rules, 1934 prescribes its contents. It is issued in the exercise of executive power. Executive power which affects the rights of a citizen must find its source in law. It is elementary that the executive possesses no power except such as is conferred upon it by law, and that any act which adversely affects a citizen must carry the warrant of law, failing which it is illegal *(Syed Sharifuddin Pirzada v. Federation of*

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Pakistan, PLD 1973 Karachi 132). Action that is mala fide or colourable, or that is founded on extraneous or irrelevant considerations, is likewise not action in accordance with law *(Government of Pakistan v. Begum Agha Abdul Karim Shorish Kashmiri, PLD 1969 SC 14)*. The respondents rely on the duty to maintain records under the Police Rules, 1934. That duty relates to what the police retain. It is wholly silent on what the police may communicate to a foreign government in a document designed to certify good character. This Court drew the same distinction in W.P. No.1859 of 2026. It declined to direct the removal of F.I.R. No.128/2016 from internal police databases. At the same time, it directed the omission of that F.I.R. from the certificates. That distinction is sound in principle, and I respectfully adopt it.

11. Having found no legal basis for the disclosure, the same must next be tested against the fundamental rights of the petitioner. Article 10A of the Constitution guarantees a fair trial and due process in the determination of any criminal charge. The presumption of innocence is an integral component of that guarantee. It is not exhausted upon the termination of proceedings in acquittal. On the contrary, it stands affirmed by a judicial determination. Our superior courts have consistently recognised that an acquittal does not merely terminate the accusation but fortifies the presumption of innocence, which stands doubled upon acquittal *(The State v. Abdul Khaliq, PLD 2011 SC 554)*. Although those pronouncements arose in the context of appeals against acquittal, the principle they enunciate is of general import. Thereafter, the State, through any of its organs, may not treat the acquitted person as though the accusation continued to hang over her. The European Court of Human Rights, applying the corresponding guarantee in Article 6(2) of the European Convention on Human Rights, enunciated the principle in clear terms in *Sekanina v. Austria (1993, Series A No.266-A)*:

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> *"the voicing of suspicions regarding an accused's innocence is conceivable as long as the conclusion of criminal proceedings has not resulted in a decision on the merits of the accusation. However, it is no longer admissible to rely on such suspicions once an acquittal has become final."*

12. That decision is of course not binding on this Court, though it is of persuasive value. It does, however, reflect a principle which our own law has long recognised. The Hon'ble Supreme Court dealt with the question in ***Dr. Muhammad Islam v. Government of N.-W.F.P. through Secretary, Food, Agriculture, Livestock and Cooperative Department, Peshawar and 2 others*** **(1998 SCMR 1993)**, and held as under:

> *"All acquittals are certainly honourable. There can be no acquittals, which may be said to be dishonourable. The law has not drawn any distinction between these types of acquittals."*

13. police character certificate which lists an F.I.R. terminating in acquittal does precisely what this principle forbids. It keeps the suspicion alive after the law has laid it to rest. The proposition admits of a fortiori reasoning. The Supreme Court has held that the mere pendency of a criminal case cannot, without more, justify restraining a citizen's movement, referring in that context to the view that the mere registration of an F.I.R. is no ground for depriving a citizen of constitutional rights *(The Federal Government through Secretary Interior v. Ms. Ayyan Ali, 2017 SCMR 1179; Wajid Shamsul Hassan v. Federation of Pakistan, PLD 1997 Lahore 617)*. If neither the registration nor the pendency of a criminal case can ordinarily be allowed to prejudice a citizen, then an F.I.R. which has ended in a final acquittal can furnish no ground whatever for an adverse disclosure.

14. Viewed from another angle, Article 4(2)(a) of the Constitution forbids any action detrimental to the reputation of a person except in accordance

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with law. The Supreme Court has read Articles 4, 9 and 15 together in holding that a citizen's liberty to travel abroad may be curtailed only under law, and that a discretion vested in a public authority must be exercised fairly, reasonably and in good faith (Dada Amir Haider Khan, supra). Article 14(1) declares the dignity of man to be inviolable. The Supreme Court has described the fundamental right to preserve and protect the dignity of man under Article 14 as unparalleled, found in only a few constitutions of the world, and has read it alongside the right to life under Article 9 *(Ms. Shehla Zia v. WAPDA, PLD 1994 SC 693)*. A certificate presented to a foreign government, informing it that the holder was named in a criminal case, implicates both guarantees. It lowers her standing in the eyes of those whose decisions govern her travel. It also compels her to justify herself against an accusation of which she stands cleared by a court of law. No law authorises that consequence.

15. There remains the conduct of the respondents in relation to the judgment in Faiza Perwez. The petitioner was acquitted by the same order, in the same case, as were her sisters. The respondents were parties to that petition and were duly represented at the hearing. So far as the record shows, the said judgment was not challenged. Yet within three weeks thereof, respondent No.4 issued a certificate to the petitioner in precisely the same form. It was the very form which this Court had held to be unsustainable in the case of her sisters.

16. Article 25 of the Constitution requires that persons similarly placed be treated alike. The Hon'ble Supreme Court applied this principle in ***Hameed Akhtar Niazi v. The Secretary, Establishment Division, Government of Pakistan and others*** **(1996 SCMR 1185)**. It was held that where a court of competent jurisdiction has decided a point of law in favour of one litigant, the authorities ought to extend the benefit of that

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decision to others similarly placed, without compelling each of them to litigate. The principle was enunciated in the context of civil servants. Its foundation, however, is equality before law, and it binds every public functionary. A public authority which has lost a case on a point of law cannot continue to apply its rejected view to every other citizen. Nor may it await a separate judgment in favour of each of them. Such conduct burdens the citizen and needlessly multiplies litigation. It also treats the judgments of this Court as though they were confined to the parties named in the title of the case.

17. That is precisely what has transpired here. This is now the third petition before this Court arising out of the same F.I.R. and the same order of acquittal. The petitioner's brother has filed W.P. No.3229 of 2026 ventilating the same grievance. Each of these petitions was avoidable. The respondents had merely to extend to all the acquitted accused the relief which this Court had directed in respect of two of them.

18. For the foregoing reasons, this petition is allowed. The impugned certificate No.ISB-827871 dated 30.05.2026 is declared to have been issued without lawful authority, and to be of no legal effect, insofar as it makes reference to F.I.R. No.128 of 2016 of Police Station Shalimar, Islamabad. Respondent No.4 is directed to issue a fresh Police Character Certificate to the petitioner, making no reference to the said F.I.R. This exercise shall be completed within fifteen (15) days of receipt of a certified copy of this judgment. The respondents shall not make reference to the said F.I.R. in any police character certificate issued to the petitioner hereafter. Nothing in this judgment shall be construed as requiring the deletion of the F.I.R. from the internal record maintained under the Police Rules, 1934.

19. The grievance is a recurring one. Respondent No.2, the Inspector General of Police, Islamabad Capital Territory, is therefore directed to

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review the procedure for the generation of police character certificates. That procedure shall be brought into conformity with this judgment and with the judgment in **Faiza Perwez** (supra). An F.I.R. in which the applicant has been acquitted by a competent court, and the acquittal has attained finality, shall not be reflected in the police character certificate. Citizens so situated ought not to be driven to this Court individually in order to secure what the law already confers upon them. A copy of this judgment shall be transmitted to respondent No.2 for information and compliance. Order accordingly.

(AYYAZ SHAUKAT)
JUDGE

Announced in open court on **06.10.2026**.

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