JUDGEMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

JUDICIAL DEPARTMENT

Writ Petition No. 3291 of 2026

Shah Fahad Khan

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. Zahid Hameed, ASI, P.S Aabpara, Islamabad.
DATE OF HEARING:	24.09.2026

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AYYAZ SHAUKAT, J:- The petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 **(the "Constitution")** to assail Police Character Certificate No.ISB-836984 dated 24.06.2026 **(the "impugned certificate")**. The said certificate was issued by respondent No.4, the Senior Superintendent of Police (Operations), Islamabad, to facilitate the petitioner's travel to the United Arab Emirates. The impugned certificate makes reference to F.I.R. No.892 of 2023 of Police Station Aabpara, Islamabad, wherein the petitioner stood acquitted. He, therefore, seeks a direction to the respondents to issue a fresh certificate omitting any reference to the said F.I.R.

2. The petitioner was nominated as an accused in F.I.R. No.892 of 2023 dated 19.09.2023. By order dated 24.02.2026, the learned Judicial Magistrate-I, Section 30, Islamabad (West), acquitted him of the charge. The impugned certificate was issued four months thereafter. It lists the said F.I.R. and records its status as "Acquitted from Court of Law". It further

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carries the remark "Not involved. No adverse effect." The same entry is reproduced in a second table, with the status "Acquitted".

3. Learned counsel for the petitioner contended that the acquittal has attained finality. An acquitted person, he submitted, cannot be made to continue to bear the stigma of the accusation in an official certificate. He argued that the question stands concluded by the judgment of this Court in **Faiza Perwez v. Federation of Pakistan (W.P. No.1859 of 2026)**. He further submitted that the impugned certificate has occasioned prejudice to the petitioner in obtaining a visa and in his professional prospects.

4. Conversely, learned State Counsel opposed the petition. His submission, in substance, was that the impugned certificate is factually accurate. It does not describe the petitioner as an offender. It merely records, truthfully, that an F.I.R. was registered and that the petitioner was acquitted. According to him, the police are obliged to reflect every registered F.I.R. in a character certificate, irrespective of its outcome, unless a court of competent jurisdiction has ordered its expunction.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. The respondents do not dispute the acquittal. Their defence rests on two propositions. The first is that the police are obliged to reflect every registered F.I.R. in a character certificate. The second is that no legal wrong is occasioned where the certificate records the outcome correctly. Both propositions must be examined in the light of the law governing the issuance of these certificates. They must also be tested on the touchstone of the petitioner's fundamental rights.

7. Before those propositions are examined, however, the legal status of the acquittal itself must be noticed, for everything else depends upon it.

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The acquittal has, for all intents and purposes, attained finality. The period of limitation within which an appeal could be preferred against it has expired. Learned State Counsel did not suggest that any appeal has been preferred or is pending, and the record discloses none. Nor is it material at what stage, or on what ground, the acquittal was recorded. An acquittal is an acquittal, and the law attaches the same consequence to every one of them. This proposition stands settled by the Hon'ble Supreme Court of Pakistan 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)**. It was held therein that all acquittals are honourable, including those founded on the benefit of doubt, and that the law draws no distinction between one kind of acquittal and another. The same principle was reaffirmed in ***Chairman, Agricultural Development Bank of Pakistan v. Mumtaz Khan*** **(PLD 2010 SC 695)**, where it was held that an acquittal earned through compounding *"has the effect of purging the offender of the crime",* and cannot be treated as an admission of guilt. The petitioner, therefore, stands in law as a person against whom the accusation could not be established. Should the acquittal ever be set aside by a competent forum, the respondents would be free to act in accordance with law. Until then, they are bound to treat him as the law treats him, namely, as an innocent person.

8. Turning to the first proposition advanced by the respondents, no provision of law was cited in support thereof. A police character certificate is not a creature of statute; neither the Police Order, 2002 nor the Police Rules, 1934 prescribes its form or contents. It is merely an administrative document, issued on the application of a citizen for production before a third party. The Police Rules, 1934 do require the first information of every cognizable offence to be recorded and the record to be preserved. That, however, is a rule of record-keeping. It governs what the police retain for

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their own purposes; it does not govern what they certify to others. A similar distinction between the confidential criminal record maintained by the police for internal purposes and a character or clearance certificate meant for use by third parties was drawn by the High Court of Sindh in ***Syed Sajjad Hussain Shah v. Province of Sindh*** **(C.P. No.D-421 of 2026)**, which, though only persuasive, I find to be sound.

9. The assertion that the police must reflect every F.I.R. unless a court orders its expunction inverts the constitutional position. Article 4 of the Constitution confers upon every citizen, and every other person for the time being within Pakistan, the inalienable right to be dealt with in accordance with law. It is the public functionary who must demonstrate the legal authority under which he acts. It is not for the citizen to obtain an order of a court as a condition precedent to being left undisturbed. Where no law mandates disclosure, the decision to make it is an exercise of executive discretion. The principle embodied in Section 24-A of the General Clauses Act, 1897, which the Hon'ble Supreme Court has applied to every exercise of discretion by public functionaries, requires such discretion to be exercised reasonably, fairly and justly *(see Messrs Airport Support Services v. The Airport Manager, Quaid-e-Azam International Airport, Karachi (1998 SCMR 2268))*. In no case may such discretion be exercised so as to infringe a fundamental right.

10. The second proposition advanced by the respondents is that the impugned certificate is accurate. The argument is attractive at first blush; however, closer scrutiny reveals that it does not conclude the matter. The question is not whether the entry is true. The real question is whether the respondents have lawful authority to make it, and whether its disclosure is consistent with the petitioner's fundamental rights. A statement, though true, may yet be one which a public authority has no power to publish.

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Indeed, the respondents' own remark on the impugned certificate, "Not involved. No adverse effect.", acknowledges that the entry has no bearing upon the petitioner's character, which is the very matter the certificate is meant to attest.

11. Viewed in this light, the impugned disclosure cannot be reconciled with the petitioner's fundamental rights. Article 4(2)(a) of the Constitution provides that no action detrimental to the reputation of any person shall be taken except in accordance with law. Article 14(1) declares that the dignity of man shall be inviolable. The two provisions operate together, and the Hon'ble Supreme Court has treated official conduct that demeans the dignity and honour of a person as an infringement of Article 4(2)(a) of the Constitution *(see Atif Zareef v. The State (PLD 2021 SC 550))*. The disclosure of an F.I.R. in a document intended for submission to a foreign immigration authority is plainly detrimental to reputation. The foreign reader of the certificate cannot be expected to be familiar with the course of criminal proceedings in Pakistan. He will know only that the holder was once named in a criminal case, and that the police deemed it fit to say so. The truthful recording of the outcome does not undo the harm; the harm lies in the disclosure itself.

12. Other fundamental rights of the petitioner stand engaged as well. The certificate was sought for the purpose of travel abroad. The Hon'ble Supreme Court has long recognised the freedom to travel abroad as an integral part of the liberty guaranteed by Article 9 of the Constitution. In ***Government of Pakistan through Secretary, Ministry of Interior v. Dada Amir Haider Khan*** **(PLD 1987 SC 504)**, it was observed as follows:

> *"…a citizen's right to travel abroad is an important aspect of the citizen's liberty and is closely related to the rights of free speech and association."*

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13. The Hon'ble Supreme Court has also held, in ***Federal Government v. Ms. Ayyan Ali and others*** **(2017 SCMR 1179)**, that the mere pendency of a criminal case cannot furnish a justification for restricting the movement of a citizen. If a pending case cannot justify such a restriction, then, a fortiori, a case which has culminated in acquittal cannot do so. Article 18 of the Constitution, moreover, guarantees to every citizen the right to enter upon any lawful profession or occupation, subject to qualifications prescribed by law. The impugned certificate places an avoidable impediment in the way of the petitioner's travel and employment. It does so without the sanction of any law. It is, therefore, irreconcilable with these constitutional guarantees.

14. It follows that, once an acquittal has attained finality, the State cannot continue to associate the acquitted person with the accusation through its own official documents. Any such act undermines the acquittal itself. An acquittal, moreover, fortifies the presumption of innocence which every accused already enjoys, giving rise to what the Hon'ble Supreme Court has termed a double presumption of innocence, which the prosecution must rebut before a competent appellate forum *(The State v. Abdul Khaliq and others (PLD 2011 SC 554))*. Executive functionaries cannot, by an entry in an administrative document, achieve indirectly what the prosecution could achieve only through a successful appeal. Such an entry also offends the presumption of innocence, which is integral to the right to a fair trial and due process guaranteed by Article 10A of the Constitution, as well as the dignity of the person secured by Article 14. The duty to preserve F.I.R. records under the Police Rules, 1934 does not detract from this position. That duty is satisfied by keeping the record. It is not a licence to publish the record to the detriment of a person whom the courts have exonerated.

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15. It is also relevant to note that the petitioner is a young man, born in 2001, whose career and prospects lie largely ahead of him. If an acquittal were incapable of shielding him from the consequences of an accusation that failed, it would be reduced to an empty formality. That is not a result which the Constitution countenances.

16. This Court has previously examined this very question in **Faiza Perwez** (supra). It was held therein that the inclusion in a police character certificate of an F.I.R. ending in a final acquittal is neither legal nor justifiable. The internal police record was, however, left undisturbed. The present case falls squarely within the ambit of the same principle. A Division Bench of the High Court of Sindh has taken the same view in ***Syed Sajjad Hussain Shah v. Province of Sindh*** **(C.P. No.D-421 of 2026)**, holding that reference to acquitted cases in a police character or clearance certificate meant for employment, travel, immigration, business or similar civil purposes is contrary to Articles 4 and 14 of the Constitution unless expressly required by law, and that administrative convenience or automated systems cannot override constitutional guarantees. I respectfully concur with that reasoning. Article 25 of the Constitution, which guarantees equal protection of law, required the respondents to extend the benefit of that principle to the petitioner without compelling him to approach this Court.

17. For the foregoing reasons, this writ petition is **allowed.** The impugned certificate No.ISB-836984 dated 24.06.2026 is declared to have been issued without lawful authority, and to be of no legal effect, to the extent that it refers to F.I.R. No.892 of 2023 of Police Station Aabpara, 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

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copy of this judgment. The respondents shall not refer to the said F.I.R. in any police character certificate issued to the petitioner hereafter. This judgment shall not be construed as requiring the deletion of the F.I.R. from the internal record maintained by the police under the Police Rules, 1934.

(AYYAZ SHAUKAT)
JUDGE

Announced in open court on **06.10.2026**.

JUDGE

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