JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

WRIT PETITION NO. 3487 of 2025

KHALID MEHMOOD

VS

INSPECTOR GENERAL OF POLICE, & 2 OTHERS

Petitioner by : Ch. Muhammad Mohsin Maqsood, Advocate.

Respondents by : Mr. Tasawar Iqbal, State Counsel.
Mr. Sajid Cheema, DSP (Legal), ICT Police.
Mr. Shaukat ASI, P.S. Shalimar, Islamabad.

Date of hearing : 17.09.2025

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 issue a fresh and unqualified Police Character Certificate (PCC) that omits any reference to FIR No.30, dated 27.01.2017, u/s 364-A & 34 PPC, P.S. Shalimar, Islamabad, criminal record, or any adverse entry, in accordance with law. The Petitioner also prays that the Respondents may kindly be restrained from causing any further hindrance, delay, or obstruction in the issuance of such certificate or in the processing of his any lawful application.

2. Brief facts of the case, as set out in the memo of petition, are that FIR No. 30 dated 27.01.2017 was registered at Police Station Shalimar, Islamabad, under Sections 364-A and 34 PPC. The Petitioner contends that he was falsely implicated, and the allegations stemmed from a misunderstanding, without any criminal intent on his part. Upon investigation, the complainant submitted an affidavit (Mark-A) before the learned Trial Court, affirming the Petitioner's

For reading only

innocence and raising no objection to his acquittal. Accordingly, vide order dated 09.12.2017, the learned Trial Court, at the pre-charge stage, discharged the Petitioner and his co-accused, finding no reasonable prospect of conviction. Despite this discharge, when the Petitioner recently applied for a Police Character Certificate (PCC) for travel to the United States, he was informed that the FIR still appears against his name in official police records. Aggrieved thereby, the Petitioner has approached this Court through the instant writ petition.

3. The learned counsel for the Petitioner submits that the Petitioner is currently undergoing immigration proceedings to the United States, wherein a Police Character Certificate (PCC) is a mandatory requirement for the visa application process. It is contended that the PCC plays a crucial role in determining admissibility under U.S. immigration laws, and any reference to prior criminal involvement, even in the absence of conviction, can result in visa denial or cause undue and prejudicial delays. Therefore, the language and content of the PCC are of paramount importance as they directly affect the petitioner's immigration prospects and professional advancement. It is argued that despite the Petitioner's acquittal in FIR No. 30/2017 through an order dated 09.12.2017, which conclusively discharged him at the pre-charge stage, the FIR continues to reflect against his name in the Police record, causing serious reputational harm and violating his fundamental rights under Articles 4, 9, 14, and 15 of the Constitution of the Islamic Republic of Pakistan, 1973. The Petitioner, in good faith, submitted a certified copy of the said order and formally requested the Respondents to update their records and issue a PCC free from any mention of the prior FIR. However, despite being furnished with the judgment and being fully aware of the Petitioner's legal exoneration, the Respondents, without any lawful justification, declined the request and issued a PCC containing reference to the obsolete FIR. It is further submitted that, in support of his legal stance, the Petitioner also relied upon a judgment of this Court passed in W.P. No.1491/2025;

For reading only

however, no relief was extended. The actions of the Respondents in continuing to retain the Petitioner's name in the criminal database post-acquittal are arbitrary, devoid of legal sanction, and violative of settled principles of justice, equity, and good conscience. The learned counsel, therefore, prays that this writ petition may graciously be allowed in the interest of justice.

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 a 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.

for reading only

6. It is an admitted position that the Petitioner was nominated in FIR No. 30 dated 27.01.2017, registered under Sections 364-A/34 PPC at Police Station Shalimar, Islamabad. The record reflects that the matter was duly investigated and brought before the competent Court of jurisdiction; however, at the pre-charge stage of the trial, the learned Trial Court, vide order dated 09.12.2017, discharged the Petitioner under Section 265-D of the Code of Criminal Procedure, 1898.

7. It is further observed that the order of discharge passed in favour of the Petitioner has not been assailed by the prosecution before any appellate forum, which amounts to acceptance of the said order by the prosecution. Consequently, the order has attained finality and reinforces the Petitioner's release from the aforementioned proceedings. In such circumstances, no adverse inference or legal stigma can be attached to an FIR or proceedings that have culminated in an unchallenged order of discharge.

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

For reading

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. 30/17, P.S Shalimar, Islamabad, 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 is concerned, it is a settled principle of law that once an accused has been discharged, the person stands released from the allegation without a trial on the merits. Hence, the continued mention or reproduction of such an FIR in official character certification, despite the discharge, 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 against whom the proceedings were not pursued. 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 discharge, 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 FIR No. 30/17, P.S. Shalimar, Islamabad, 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 favor of the Petitioner.

(MUHAMMAD AZAM KHAN)
JUDGE

"Mehboob"