

## IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Saleem Jessar;

Mr. Justice Abdul Hamid Bhurgri.

### **C.P No.D-3938 of 2026**

*[Taha Muzzammil v. Province of Sindh and others]*

Petitioner : Through Mr. Saad Fayaz, Advocate.

Respondents 1 to 5 : Through Mr. S. Ali Ahmed Zaidi, Addl. A.G.

Date of Hearing : 09.09.2026

Date of Order : 09.09.2026

### **J U D G M E N T**

**Abdul Hamid Bhurgri, J.-** Through this Constitution Petition, the petitioner has prayed for the following reliefs:-

- a) *Declare that the Petitioner is entitled to obtain a clean Police Character Certificate/Police Clearance Certificate without any reference whatsoever to FIR No.241 of 2025;*
- b) *Declare that the continued mention of FIR No.241 of 2025 in the Petitioner's Police Clearance Certificate is illegal, unlawful, without jurisdiction and of no legal effect after his acquittal dated: 25.09.2025;*
- c) *Declare that a person acquitted under Section 249-A Cr.P.C. is entitled to a Character Certificate reflecting his clean legal status without stigma of FIR;*
- d) *Direct the Respondents to issue a clean Police Character Certificate/Police Clearance Certificate in favour of the Petitioner without any reference whatsoever to FIR No.241 of 2025;*
- e) *Direct the Respondents to update/rectify the CRO record strictly in accordance with the judgment of the competent Court.*

2. Learned counsel for the petitioner submits that the petitioner intends to travel to the United Arab Emirates for a lawful purpose, where his family members are already residing, and for such purpose a Police Character Certificate/Police Clearance Certificate is required. The petitioner accordingly applied for the certificate; however, the certificate issued to him, available as Annexure "A" at page 21, contains reference to FIR No.241 of 2025, registered under Section 188 PPC at Police Station Ferozabad, Karachi.

Learned counsel submits that the petitioner was subsequently acquitted in the aforesaid criminal case by the competent Court upon an application under Section 249-A Cr.P.C., and no appeal or other proceedings have been preferred against the order of acquittal, which has thus attained finality. According to him, continued reflection of the said FIR in the Police Character Certificate, despite the petitioner's acquittal, carries an unwarranted adverse implication regarding his criminal character and defeats the effect of the acquittal. He, therefore, seeks issuance of a fresh Police Character Certificate without reference to the aforesaid FIR. In support of his submissions, learned counsel has relied upon an unreported judgment dated 21.05.2026 passed by a Division Bench of this Court, Circuit Court Hyderabad, in C.P. No.D-421 of 2026, as well as Abdul Rehman Faryad v. Government of Punjab through Home Secretary and 3 others (PLD 2026 Lahore 84) and Waqas Khan and 2 others v. The State (PLD 2025 Peshawar 67).

3. Learned Additional Advocate General Sindh does not dispute that the petitioner has been acquitted by the competent Court and that the order of acquittal has attained finality. In view of the legal position reflected in the judgments relied upon by learned counsel for the petitioner, he does not oppose the prayer for issuance of a fresh Police Character Certificate.

4. We have heard learned counsel for the parties and examined the material available on record. It is not disputed that FIR No.241 of 2025 was registered against the petitioner and that the criminal proceedings arising therefrom subsequently culminated in his acquittal by the competent Court under Section 249-A Cr.P.C. It is equally undisputed that the said order of acquittal has not been assailed and has attained finality.

5. A Police Character Certificate/Police Clearance Certificate is ordinarily required for purposes such as employment, education, immigration, issuance of visa and foreign travel and, therefore, carries consequences extending beyond a mere reproduction of entries maintained in the internal record of the police. Mere registration of an FIR constitutes only an accusation and cannot be equated with proof of guilt. Where criminal proceedings have culminated in acquittal and such acquittal has attained finality,

continued disclosure of the FIR in a Police Character Certificate, even accompanied by a notation that the person has been acquitted, may nevertheless carry an adverse stigma and expose him to prejudice in matters of employment, education, visa, immigration or foreign travel. Such disclosure would, in effect, permit an accusation which no longer survives against the person in criminal proceedings to operate as a continuing disability notwithstanding his acquittal.

6. There is, however, a clear distinction between preservation of an historical record by the police for lawful official purposes and disclosure of such record through a Police Character Certificate intended to be presented before employers, educational institutions, immigration authorities or other third parties. Nothing in this judgment shall be construed as requiring destruction or obliteration of any record which the police are otherwise required to preserve under law. The internal official record may lawfully reflect both the registration of the case and its ultimate outcome. However, once the criminal proceedings have culminated in an acquittal which has attained finality, the mere fact that an FIR had previously been registered cannot, in the absence of any specific legal requirement to the contrary, be carried forward into a Police Character Certificate so as to continue attaching a criminal stigma to a person who stands acquitted in the eyes of law.

7. The distinction assumes significance because merely mentioning the FIR together with the word “acquitted” does not necessarily remove the prejudice flowing from its disclosure. A Police Character Certificate is frequently furnished to authorities and institutions which are not concerned with adjudicating the legal effect of an acquittal. The very disclosure of previous criminal proceedings may, therefore, operate adversely against the holder of the certificate. Once the accusation has been tested before the competent criminal Court and the proceedings have terminated in a final acquittal, the person concerned cannot ordinarily be compelled to carry the burden of that accusation indefinitely through a certificate intended to represent his character or clearance status.

8. In the present case, it is undisputed that the petitioner has been acquitted by the competent Court under Section 249-A Cr.P.C. and that such acquittal has attained finality. We, therefore,

find no lawful justification for mentioning FIR No.241 of 2025 in the Police Character Certificate/Police Clearance Certificate of the petitioner, whether independently or with a notation regarding his subsequent acquittal. The view taken by us is also consistent with the judgment dated 21.05.2026 passed by a Division Bench of this Court at Circuit Court Hyderabad in C.P. No.D-421 of 2026 and the other authorities relied upon by learned counsel for the petitioner.

9. Consequently, this petition is allowed. The concerned respondents/police authorities are directed to issue a fresh Police Character Certificate/Police Clearance Certificate in favour of the petitioner without mentioning or making any reference whatsoever to FIR No.241 of 2025, subject to verification of his present status in accordance with law. The respondents shall, however, remain at liberty to maintain such internal official record as may be required under the applicable law, duly reflecting the final outcome of the aforesaid criminal proceedings.

The petition stands disposed of in the above terms along with all pending applications.

JUDGE

JUDGE  
HEAD OF CONST. BENCHES

Ayaz Gul