IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Bench
Justice Muhammad Hashim Khan Kakar
Justice Salahuddin Panhwar
Justice Ishtiaq Ibrahim

CRIMINAL PETITION NO.1021 OF 2021

(On appeal against the order dated 02.07.2021 passed by the High Court of Sindh Circuit Court, Hyderabad in Crl. Appeal No. S-323 OF 2019)

Muhammad Bux alias Shahzaib ... Petitioner(s)

Versus

The State through Prosecutor General Sindh ...Respondent(s)

For the Petitioner: Jam Khursheed Ahmed, ASC
Syed Rifaqat Hussain Shah, AOR

For the State: M. Siraj Ali Khan, APG, Sindh

On Court's call: Muhammad Subhan Malik, Judicial Law Clerk

Date of Hearing: 11.12.2025

JUDGMENT

Salahuddin Panhwar, J.- The petitioner seeks leave to appeal against the order dated 2nd July, 2021 passed by the High Court of Sindh Circuit Court, Hyderabad in Criminal Appeal No. S-323 of 2019, whereby his appeal was dismissed.

2. The brief facts of the prosecution case are that the informant, Shahid son of Muhammad Yousuf Jat, lodged F.I.R. No. 81/2017 at Police Station Tando Ghulam Ali, stating therein that on 10.08.2017, at night time, he, alongwith his brother Muhammad Abbass (aged about 55 years), Zahid Nawaz, and his nephew Shahbaz Ali son of Muhammad Abbass, was present at the hotel of Sarfraz Nizamani, situated at *Chamber Naka*, for taking tea. Muhammad Abbass, upon mentioning that he had not performed the Isha prayer, proceeded towards *Maki Masjid* through Shahi Bazar Gate. At about 10:20 p.m., they heard the

sound of gunshots coming from the shop of Haji Lund near the *Masjid*. Upon reaching the spot, they saw, in the light of a solar lamp as well as an electric bulb installed there, that the accused, Muhammad Bux alias Shahzeb Jat, armed with a pistol, was making straight fires upon Muhammad Abbass with the intention to kill him. The informant raised hakal (alarm); however, in the meantime, the accused fired two more shots at Muhammad Abbass. When the witnesses attempted to rescue him, the accused, on seeing them, fled from the scene alongwith the pistol, leaving behind his motorcycle. Muhammad Abbass was found with serious injuries, from which blood was oozing. He was immediately taken to Tando Ghulam Ali Hospital, where he succumbed to his injuries.

3. The informant reported the incident to the police within thirty minutes, which was entered into the *Roznamcha*. After post-mortem examination, the dead body was handed over to the informant. Following the burial, the informant formally lodged the above-mentioned F.I.R. against the accused at Police Station Tando Ghulam Ali.

4. On completion of usual investigation, the petitioner was sent up to face trial where on conclusion of trial, he was convicted under section 302(b) of the Pakistan Penal Code (**PPC**) and sentenced to imprisonment for life for committing *qaltl-e-amd* of deceased Muhammad Abbas. He was further directed to pay Rs.500,000/- to the legal heirs of the deceased in terms of section 544-A of the Code of Criminal Procedure (**Cr.P.C**) or in default thereof to further undergo S.I. for six months. Benefit of section 382-B Cr.P.C. was also extended to him. In appeal before the High Court his conviction and sentence under section was maintained; hence, instant jail petition for leave to appeal.

5. Learned counsel for the petitioner contended that no independent witness to the entire occurrence was produced, despite the presence of numerous persons who were taking tea at the hotel, none was examined to testify the incident; that the testimony of related witnesses cannot be relied upon, and that the prosecution case thus rests solely on circumstantial evidence, which by its very nature is inherently fragile

and requires strict scrutiny; That the medical evidence is in conflict with the ocular account provided by the relevant witnesses and the circumstantial narrative, thereby rendering the prosecution's case doubtful. Additionally, learned counsel pointed out a considerable delay in registration of the F.I.R., which, in the absence of a plausible explanation, has caused an irreparable dent in the prosecution case.

6. Conversely, learned Law Officer vehemently opposed the appeal. It was submitted that the prosecution witnesses bore no animosity towards the appellant that could have led to his false implication; that related witnesses are as good as independent witnesses when their testimony is consistent and confidence-inspiring; that the delay in registration of the F.I.R. occurred on the part of the police, as the informant had promptly reported the matter and; that the evidence produced by the prosecution is cogent, credible, and sufficient to sustain the conviction. On this premise, it was urged that the impugned judgment does not warrant interference by this Court.

7. We have heard the learned counsel for the petitioner as well as the counsel for the State on merits of the case. The record depicts that there was a delay in registration of F.I.R; the date and time of occurrence is 10:20 pm on 10th August, 2017, whereas the time of registration of F.I.R is 04:30 pm on 11th August, 2017, this depicts considerable delay in a case of a murder. However, the prime concern of the court shall be that whether the informant *delayed* the registration of the F.I.R *or* it was on the part of the Police. The *Roznamcha* (Daily Diary) entry No.33, Exh.13/C shows that the *informant* promptly reported the matter to the police within 30 minutes with the same version against the present petitioner, however, it was the police who caused the delay in this case and failed to register the FIR. It is important to note that the informant immediately approached the police regarding the incident.

8. In regards to the delay, which is usually associated with the conduct of the informant or complainant, as to what was his manner after the particular incident, the basic principle is enshrined in Article

21 of the Qanun-e-Shahadat Order 1984 (**Order 1984**), which is reproduced as under:

> *21. Motive, preparation and previous or subsequent conduct.*
> *(1) Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.*
>
> *(2) The conduct of any party, or of any agent to any party, to any suit or proceeding, in reference to such suit or proceeding, or in reference to any fact in issue therein or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact, and whether it was previous or subsequent thereto."*

Consequently, the victim cannot be made to suffer on account of the delay occasioned by the conduct, omission or negligence of the police officials. The informant, in the present case, acted with due promptitude in reporting the occurrence, as is borne out from the contemporaneous entry made in the *Roznamcha*. It is well settled that while examining the effect of delay, the Courts are required to consider whether such delay is attributable to the informant in reporting the crime, and not the delay occasioned by the failure of the police to discharge their statutory obligation of promptly registering the F.I.R.

To hold otherwise would frustrate the very object and spirit of the relevant provision of law, as it would permit the entire prosecution to fail on account of the omission, inefficiency or neglect of a police officer, over which the complainant or the victim has no control.

The explanation advanced by the police officials in their earlier reports submitted before this Court that the complainant party remained engaged in funeral processions cannot be accepted as a lawful or plausible justification. Once information relating to the commission of a cognizable offence is conveyed to the police through any source whatsoever, it is their bounden statutory duty to take immediate steps to ascertain the facts and to ensure the prompt registration of the F.I.R. The police are not legally justified in waiting for the heirs of the deceased to approach them after the completion of funeral rites, nor can such conduct be countenanced in law.

9. The registration of a case under section 154 of the Cr.P.C cannot be refused nor delayed when the information relating to the commission of a cognizable offence has been given to or received by the Officer Incharge of a Police Station as held by this Court in numerus of judgments. The registration of the case is the primary step to put the criminal proceedings in motion and to enable the Officer in Charge of a Police Station to initiate the course of investigation strictly in accordance with the mandate set out in the Cr.P.C. The police official cannot assume the role of an adjudicator or assume the role of a Magistrate or a court to embark upon an inquiry in order to ascertain the credibility of the information before it is entered in the prescribed book kept under section 154 of the Cr.P.C.[1]

10. This Court has observed that *investigation* or *inquiry* in the nature of finding the correctness or otherwise of the information prior to registration of the FIR will be hit by the provisions of section 162 of the Cr.P.C.[2] It is well established that the First Information Report (FIR) is a way to inform the police about a serious crime, known as a cognizable offense. The purpose of FIR is to report the incident and provide details so that the police can start investigation. While FIR is one way to set the investigation process in motion, nevertheless, the police don't always need one to start investigating. If they have credible information or knowledge about a crime from any informer, they can begin investigating on their own. In fact, the police have a duty to take-action and not wait for complainant to appear for FIR if they have reason to believe that a cognizable offense has been committed. They should take initiative to investigate and gather evidence without any delay.

11. The ocular accounts in the case in hand, were unimpeachable and consistent with each other on all material particulars. The eyewitnesses were subjected to lengthy cross examination, but there is nothing on file which may tend to discredit their testimony. The medical evidence, when examined in juxtaposition with the ocular accounts,

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[1] Seeta Ram vs. The State (JP NO.51 of 2023)
[2] Muhammad Bashir v. Station House Officer, Okara and others (PLD 2007 SC 539), Syed Qambar Ali Shah v. Province of Sindh and others (2024 SCMR 1123)

depict that there seems to be no contradiction between the former and latter. The medical evidence clarifies that the injuries were caused by firearm and from a distance of about 2 to 3 feet, such as in consonance with the statements of eye-witnesses. Additionally, the duration shown between the injuries and post mortem also corroborates with the testimony.

12. Apart from the above, the accused and the deceased are related to each other, therefore, question of mistaken identity or false implication does not arise. The recovery of .9mm pistol was also affected from the accused, such weapon was used in the commission of the offence as per the positive forensic report. So far as the minor contradictions existing in this case, it has been observed by this Court in **Sher Afzal** case[3] in the following words:

> *"...in the natural course of conduct there can be various factors which result in minor contradictions in the statement of the witnesses. It would be against the interest of justice to discard the whole evidence on minor contradiction of facts which is not even vital to the case, occurrence of contradictions have many reasons, primarily that it is common that sometimes the witnesses exaggerate the statements in desperation for justice and to emphasize on the intensity of their words, secondly passage of time to occurrence till recording of evidence."*

13. In view of the above, we are in agreement with the findings of the High Court with regard to upholding the conviction and sentence of the present petitioner under section 302(b) PPC.

14. During the course of hearing, two ancillary yet significant issues surfaced, namely the persistent misuse of terminology in criminal proceedings, where the expressions '***informant'*** and '***complainant'*** are used interchangeably. We observed from the Police proceedings before us that the term "***Faryaadi***" (فریادی) is commonly used in Sindh, whereas, Word "***Muddai***" (مدعی) being used in the other federating units to denote '**informant**' or '**complainant**' in police proceedings.

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[3] Sher Afzal vs. The State (2024 SCMR 894)

15. At this juncture, Mr. Muhammad Subhan Malik, Judicial Law Clerk, Supreme Court of Pakistan, was called upon to assist this Court on the above said propositions. In regards to the persistent use of terms '**Complainant**' and '**Informant**' interchangeably, he drew attention to the statutory scheme of Cr.P.C. and clarified that the term '**complaint'** is exhaustively defined in section 4(h) of Cr.P.C. as an allegation made to a Magistrate with a view to his taking action under the Code, expressly excluding a police report and that proceedings under section 200 Cr.P.C. alone give rise to the status of a '**complainant**' to the one who files a 'complaint', conversely a person who merely furnishes information for registration of FIR under section 154 Cr.P.C. is, in the eye of law, only an '*informant'*. In regards to the use of word *'Faryaadi'*, the Judicial Law Clerk pointed out that the term *'Faryaadi'*, commonly used in police papers in Sindh, is neither a Sindhi word nor one recognized by statute book of Pakistan, just like the use of term '*Muddai'* in police documents. Such term conveys supplication rather than assertion of right. He added that another common term used in applications addressed to the police officials is *'**Bakhidmat Janaab SHO (بخدمت جناب)**', and '**Bakhidmat**'* means *'at the service of',* he stated that it is not the citizen at the service of the Station House Officer, rather it is the Station House Officer at the service of the citizen and such terminology depicts the pre-colonial mindset, where the subjects of the state went to authorities as a matter of mercy, and not as of right.

16. In regards to the use of words '**informant**' and '**complainant**' interchangeably, this Court observes that such confusion, though long tolerated, is neither supported by statute nor by settled principles of criminal jurisprudence, and has the potential to blur well-defined procedural distinctions under the Cr.P.C. Such usage is a fallacy and finds no support from the statutory scheme of the Cr.P.C. It makes a clear and *deliberate* distinction between the two. Section 4(h) of the Code defines the term *'**complaint**'* as follows:

> *"Complaint' means the allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence, but does not include the report of a police officer."*

A plain reading of the above provision leaves no ambiguity that the law recognizes a complaint only when it is made to a Magistrate. The procedure under section 200 Cr.P.C. further emphasizes this distinction, as it contemplates examination of the complainant upon an oath by the Magistrate. Therefore, a person, who merely provides information to the police for registration of FIR does not fall within the statutory definition of a complainant; he, in legal contemplation, is only an '**informant**'**.**

The misuse of terminology i.e. '**Faryaadi**' has, over time, blurred this statutory distinction. An FIR is not a complaint within the meaning of section 4(h) Cr.P.C.; it is information recorded by the police under section 154 Cr.P.C. The person supplying such information is thus correctly described as an informant. Comparative jurisprudence was also noticed; it was observed in **Ganesha case**[4] that:

> *"No distinction is made while using the words **'informant'** and **'complainant'**. In many of the judgments, the person giving the report under section 154 of the Code is described as the 'complainant' or the 'de facto complainant' instead of 'informant', assuming that the State is the complainant. These are not words of literature. In a case registered under section 154 of the Code, the State is the prosecutor and the person whose information is the cause for lodging the report is the informant. This is obvious from sub-section (2) of section 154 of the Code which, inter alia, provides for giving a copy of the information to the 'informant' and not to the 'complainant'. However, the complainant is the person who lodges the complaint. The word 'complaint' is defined under section 2(d) of the Code to mean any allegation made orally or in writing to a Magistrate and the person who makes the allegation is the complainant, which would be evident from section 200 of the Code, which provides for examination of the complainant in a complaint-case. Therefore, these words carry different meanings and are not interchangeable. **In short, the person giving information, which leads to lodging of the report under section 154 of the Code, is the informant and the person who files the complaint is the complainant.**"*

[4] Ganesha Vs. Sharanappa & ANR. [Criminal Appeal No.1948 of 2013 @ Special Leave Petition (CRL.) No. 4531 of 2009]

Pakistani jurisprudence also supports this understanding. In **Wajid case**[5], it was held that FIR may be registered on the information provided by any person regarding the commission of a cognizable offence and that such informant need not necessarily be an aggrieved person. The judgment clarifies that the role of an informant is confined to setting the criminal law in motion, whereas grievance or victimhood is not a prerequisite for furnishing information under section 154 Cr.P.C. The persistence of such imprecision in language is not a mere semantic lapse; it has legal consequences.

17. Additionally, we have noticed that the Police Rules 1934, specifically Form No. 24.2(1), is not in consonance with the scheme of the Cr.P.C, the relevant Form is reproduced as under:

FORM No. 24.5(1)

FIRST INFORMATION REPORT

FIRST INFORMATION OF A COGNIZABLE CRIME REPORTED UNDER SECTION 154, CODE OF CRIMINAL PROCEDUREABLES

Police Station _____ District _____

No. _____ Date and hour of occurrence

1	Date and hour when reported
2	Name and residence of information and complainant
3	Brief description of offence (with section) and of property carried off, if any
4	Place of occurrence and distance and direction from Police Station.
5	Steps taken regarding investigation; explanation of delay in recording information
6	Date and hour of despatch from Police Station

Signed _____

Designation _____

(First information to be recorded below)

Note. - The signature, seal or mark of the informant shall be affixed at the foot of the information and shall be attested by the signature of the officer recording the "first information".

The contents of second column include '**complainant**', whereas the scheme of Cr.P.C clarifies that it does not recognize any complaint to a police officer. Moreover, the rules are using the term '**complainant**' in certain provisions, where the term '**informant**' should have been used. Even otherwise, many spelling mistakes have been observed in the Police Rules 1934, therefore it has become a necessity to revise the same.

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[5] Wajid Khan v. The State (2020 PCrLJ 454)

18. Coming to the term '***Faryaadi***' used in province of Sindh in police proceedings, its origin lies in the Persian word '***Faryad***', meaning cry, help or lamentation, as noted in Persian dictionary[6]. Whereas term '***Muddai***' **(مُدَّعی)** being used in the rest of the country it comes from Arabic (*mudda'in*), the active participle of a verb meaning "*to assert a claim*" or "to sue for". In Urdu, it means a claimant, plaintiff (in a lawsuit), or prosecutor[7]. Needless to say that the citizen approaches the authorities as a matter of right and not as a matter of mercy. Similarly, the phrase '***Bakhidmat Janaab SHO***' is a common salutation used in applications addressed to the Station House Officer (SHO). However, it lacks legal backing and implies a subordinate tone. We concur that it's actually the SHO, who serves the citizens, not the other way around. The correct approach is for the SHO to provide service and assistance to the public, upholding their duty to protect and serve the community. This perspective emphasizes the importance of citizen-centric policing and the SHO's role in serving the public.

19. Historical context demonstrates that the police system introduced under the Police Act, 1861, particularly after the events of 1857, was designed as an instrument of control to exercise the authority of the Crown. Citizens approached police authorities not as a matter of right, but as subjects seeking mercy, these terms were employed in the courts of monarchs and rulers, where subjects approached the sovereign not as a matter of legal right but as supplicants seeking mercy. Such terminology reflects a pre-colonial and feudal conception of governance, wholly inconsistent with the constitutional and statutory framework governing criminal justice in Pakistan. The pre-colonial era has left enduring imprints on legal practices in Pakistan, particularly in Sindh, where many archaic practices continue to shape institutional attitudes and procedures.

20. Despite the formal departure of British colonial rule, elements of a pre-colonial mindset remain embedded in everyday policing, most visibly in the continued use of the term '***Faryaadi***'. Such practices

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[6] 'A Practical Dictionary of the Persian Language' by John Andrew Boyle
[7] The Standard English-Urdu Dictionary by Abdul Haq

reveal how pre-colonial and colonial administrative cultures fused to produce a system resistant to rights-based reform**.** This resistance is further illustrated by the historically delayed application of the Cr.P.C. and other criminal and civil laws in Sindh, which were enforced nearly five decades later than in other regions of the subcontinent, the historical record shows that the delayed introduction of civil and criminal law in Sindh was neither accidental nor administrative, but deliberate. General Sir Charles Napier consciously ruled Sindh under exclusive martial law, expressly rejecting civil authority, civil courts, and the formulation of any civil or criminal code. Judicial functions were confined to military tribunals, and even revenue administration was placed under military command. This intentional suppression of civilian legal institutions arrested the normal development of the rule of law in Sindh and left enduring structural consequences for its legal system, such is depicted through the dialogue between Kieth Young and General Charles Napier, when the former suggested that there should be a civil code of laws for Sindh, the latter rebuked him and accused him of challenging his military authority in Sindh by broaching the idea of civil law.[8] The reply of Napier is published in the book *"Discovering Sindh's Past"* in the following words:

> *"Young, you have totally mistaken your position. You fancy yourself acquainted with civil law because you are called the Civil Judge-Advocate-General but you forget that Scinde is under military government and martial law alone recognized. You fancy yourself sent here to form a criminal and civil code of laws. This is an error. Your duty is merely to regulate the proceedings of military courts."*[9]

21. Reverting to the scheme of the Code of Criminal Procedure, it is pertinent to observe that under Section 154, Cr.P.C., a cognizable offence is brought to the notice of the police by furnishing of information. The Code does not contemplate, recognize or sanction any concept of supplication before police authorities. The Officer in Charge of a Police

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[8] Boivin, M., Cook, M. A., & Levesque, J. (Eds.). (2017). Discovering Sindh's past: Selections from the Journal of the Sind Historical Society, 1934-1948. Oxford University Press.
[9] Keith Young's "Scinde in the Forties: Being the Journal and Letters of Colonel Keith Young" (Karachi: Indus Publications, 1994), page 39.

Station is placed under a mandatory statutory obligation to record such information and to set the law in motion by initiating investigation in accordance with law. Any failure in this regard directly offends the guarantee of due process and lawful treatment as enshrined under Article 4 of the Constitution.

22. A person who furnishes information under section 154, Cr.P.C. is, in the eye of law, merely an informant. He is neither a complainant nor a petitioner invoking mercy or indulgence. In prosecutions initiated on the basis of an F.I.R., the State is the complainant, acting through its investigative and prosecutorial machinery. A private citizen or a victim reporting the commission of a cognizable offence does not assume the status of a complainant, nor does the law require him to do so. Any practice that treats such a citizen as a supplicant is inconsistent with the constitutional guarantees of access to justice and fair treatment guaranteed under Article 10-A of the Constitution.

23. The description of such a citizen as a '***Faryaadi***' is legally misconceived and constitutionally impermissible, as it demeans the citizen by portraying him as a seeker of favour rather than as a rights-bearing individual invoking the protection of law. Such terminology strikes at the very dignity of the citizen, which stands inviolable under Article 14 of the Constitution, and undermines the concept of equal protection of law envisaged by the constitutional framework. **Police officers are public servants entrusted with constitutional and statutory duties. They are bound to protect life, liberty and security of person, values which lie at the core of Article 9 of the Constitution. They are required to serve the public and are remunerated from public funds. Citizens, therefore, approach the police as of right, and not as a matter of charity, grace or indulgence.** Any institutional practice that reverses this relationship erodes public confidence in the rule of law and weakens constitutional governance. The continued use of the term '***Faryaadi***' depicts an obsolete and unconstitutional mindset wherein public authorities are perceived as rulers rather than servants of the people a notion expressly repudiated by the constitutional order established under the

Constitution of the Islamic Republic of Pakistan, 1973. Expressions such as '***Faryaad***' and formulaic addressals like '***Bakhidmat Janaab SHO***' are remnants of a colonial and pre-constitutional paradigm. Despite the constitutional transformation brought about by the Constitution of 1973, vestiges of this mindset regrettably persist through institutional habit.

24. For the foregoing reasons, and in order to bring police practice in conformity with Articles 4, 9, 10-A and 14 of the Constitution, the use of the terms '***Faryaadi***' or '***Muddai***' in police proceedings is hereby directed to be discontinued. Appropriate and legally accurate alternatives shall be employed, including '***Itlaah Deendhar***' (اطلاع ڏيندڙ) or '***Shikayat Kandhar***' (شڪايت ڪندڙ) in Sindhi, and '***Itlaah Dahinda***' (اطلاع دہندہ) in Urdu, to reflect the true legal status of the person furnishing information.

Likewise, in applications addressed to the Station House Officer, the use of the expression '***Bakhidmat Janaab SHO***' is discouraged, having no legal sanction, and a simple addressal as '***Janaab SHO***' shall suffice.

25. It is imperative to bear in mind that the terminology employed by courts and public institutions shapes procedural understanding, institutional behaviour and the lived experience of constitutional rights. In a legal system governed by statute and the Constitution, courts and executive authorities are duty-bound to employ language that reflects legislative intent, constitutional values and procedural clarity. Failure to do so perpetuates confusion, entrenches unconstitutional hierarchies, and undermines the disciplined and rights-based application of criminal law

26. This Court has in various cases directed the Inspector Generals of the Police of all provinces for prompt registration of F.I.R, but observe that this practice of late registration is still persisting. A prime example is **Khizar Hayat** case[10] where the statutory duty of the police officials to

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[10] Khizar Hayat vs. The Inspector General of Police (Punjab

register F.I.R promptly was emphasized. In **Haider Ali** case[11], this Court directed Inspector Generals of Police of all provinces to submit reports regarding the accountability of the police officers, as inefficiency, maladministration and abuse of powers by the Police in regards to registration of F.I.R was observed by this Court. **Recently, in Seeta Ram case[12], this court called Inspector General of Sindh to explain the reasons for this persistent practice as, to our observations, this is more prevalent in the province of Sindh as compared to other provinces.**

27. Before departing with this judgment, this court directs that the Inspector General of Police all provinces must ensure that there shall be prompt registration of F.I.R, once the informant informs the Officer Incharge of the Police Station, then the same is duty bound to register the F.I.R, without causing any delay. Criminal Justice system has evolved and we have observed that in investigation of criminal matters, the time is of essence, and delay can result in either the loss or deuteriation of evidence, to be very specific, forensic evidence, ultimately prejudicing the merits of the case. It is pertinent to refer to the report of U.S. Department of Justice[13], the relevant part reads as under:

> *"The time elapsed from crime commission and its report to police, and the delay in police response to the scene, have long been considered factors not only in apprehending criminals but also in the preservation of scene evidence. With the passage of time, the likelihood increases that the evidence may be contaminated or destroyed by the victim, witnesses and passersby."*

Therefore, the law recognizes investigations after the registration of F.I.R, and a delay in registration means that a delayed start to the investigation of offence which might cause *lost* or *disappearance* of evidence caused by the Officer Incharge of Police Station, who was furnished information, but the F.I.R was registered after considerable

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[11] Haider ALI vs. DPO Chakwal
[12] Seeta Ram vs. The State (Jail Petition No. 51 of 2023)
[13] The Role and Impact of Forensic Evidence in the Criminal Justice Process prepared by Joseph Peterson, Ira Sommers, Deborah Baskin, and Donald Johnson

delay. The law penalizes the disappearance of evidence, in following words of PPC:

> *"201. Causing disappearance of evidence of offence, or giving false information to screen offender. Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false,*
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> *if a capital offence; shall, if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine ;*
>
> *if punishable with imprisonment for life; and if the offence is punishable with imprisonment for life, or with imprisonment which may extend to ten years shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;*
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> *if punishable with less than ten years imprisonment. and if the offence is punishable with imprisonment for any term not extending to ten years, shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or with both."*

In cases where the Officer Incharge of Police Station delays the registration of F.I.R, it shall be presumed that such delay is caused to benefit the accused persons, unless the police official establishes to the contrary and the burden of proof shall lie upon him. It bears emphasis that section 201 PPC does not create any exception in favour of public functionaries, including police officials. The provision employs the expression **'whoever'**, which is of widest amplitude, and by settled principles of statutory interpretation, encompasses every person, irrespective of rank, office, or official capacity. A police officer, therefore, stands on no higher pedestal than a private citizen when the question concerns the concealment or disappearance of evidence of an offence. This principle flows directly from the law declared by the Supreme Court in **Malik case**[14], wherein it was unequivocally held that no authority or

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[14] Malik Asad Ali v. Federation of Pakistan (PLD 1996 SC 420)

functionary is above the law, and that any immunity not expressly granted by statute is alien to constitutional governance.

28. Apart from above, where a police official, having knowledge of the commission of a cognizable offence through any source whatsoever, deliberately fails to set the law in motion, or despite receiving information, declines or delays the registration of an F.I.R., or omits to initiate the legally mandated proceedings, such omission cannot be viewed as a mere procedural lapse. Rather, where the consequence of such omission is the loss, destruction, or disappearance of evidence, the conduct squarely attracts the provision of section 201 PPC. This Court has repeatedly emphasised that delay in registration of F.I.R. strikes at the root of a fair investigation, as held in **Muhammad Bashir** case[15] and **Lal Khan** case[16], wherein unexplained delay was recognised as a factor enabling manipulation and loss of evidence. The argument that a police officer may only be proceeded against departmentally, and not criminally, is legally untenable. Departmental liability and criminal liability operate in distinct and independent fields; the former addresses misconduct in service discipline, while the latter concerns an offence against the law and society at large. This distinction stands affirmed by this Court in **Abdul Khaliq** case[17], wherein it was held that criminal prosecution of a civil servant is not barred merely because departmental proceedings are also maintainable. Indeed, a police officer is under a higher legal and moral obligation than an ordinary citizen. While a private individual may or may not be fully cognizant of legal consequences of inaction, a police officer is specifically entrusted with the statutory duty to prevent crime, preserve evidence, and prosecute offenders. Failure to act, when coupled with knowledge of an offence, raises a presumption of intent, particularly where such failure benefits the accused or prejudices the complainant. This Court has consistently held that custodians of law are answerable with greater, not lesser, rigour, as deviation from duty by such persons erodes public confidence in justice. **Therefore, why should a police officer who delays or**

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[15] Muhammad Bashir v. The State (PLD 2007 SC 539)
[16] Lal Khan v. The State (2006 SCMR 1841),
[17] The State v. Abdul Khaliq (PLD 2011 SC 554)

refuses registration of an F.I.R.,thereby enabling the disappearance of evidence, not be arraigned under section 201 PPC in the same manner as a common citizen? To hold otherwise would amount to conferring unwarranted immunity, a concept repeatedly rejected by this Court, and would be destructive of the rule of law. Such selective insulation would offend the constitutional principle of equality before law, and negate the foundational doctrine that no one is above the law, a principle firmly embedded in constitutional jurisprudence. The criminal law does not recognize a privileged class immune from prosecution merely by virtue of office.

29. Accordingly, this neglect and breach of the mandatory provision of law, shall now result in initiation of criminal proceedings against the police officer. Where deliberate delay or inaction on the part of the Officer Incharge of a Police Station results in the concealment, loss or destruction of evidence, criminal liability under section 201 PPC is validly attracted. In such cases, the presumption shall operate against the delinquent officer, and the burden shall lie upon him to explain the delay and rebut the inference of intentional concealment. Hence, the District and Sessions Judges, as well as Magistrates taking cognizance under section 190 Cr.P.C would be competent to call upon such officers, either due to their own observation or on application of the informant or the victim himself/herself, and consequently charge them under section 201 of the PPC as well as any other applicable law, if they are satisfied that such delay was caused by the police officer, however, this shall be after serving show cause notice to the said police officer. Additionally, the above said Judicial officers shall be competent to initiate criminal proceedings apart from 201 PPC, under the relevant provincial laws for the discipline of police.

30. Apart from the registration of a criminal case, departmental proceedings shall be initiated against the police officer who delays registration of F.I.R. since the provisions of Police Order 2002, penalize it in following words:

> *155. Penalty for certain types of misconduct by police officers. - (1) Any police officer who - (c) is guilty of any willful breach or neglect of any provision of law or of any rule or regulation or any order which he is bound to observe or obey;*

Since section 154 Cr.P.C. is a mandatory provision of law, and a delayed registration amounts to a willful breach and neglect of a mandatory provision of law, therefore it is observed that learned judges of the trial Court shall refer the matter to the District P0olice Officer concerned for the initiation of departmental proceedings against that police officer. It is pertinent to note that the erstwhile, Police Act, 1861 also carried such provision in the following words:

> *29. Penalties for neglect of duty, etc. Every police-officer who shall be guilty of any violation of duty or willful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, 6 [or without having given previous notice for the period of two months], 7 [or who, being absent on leave, shall fail, without reasonable cause, to report himself for duty on the expiration of such leave,] or who shall engage without authority in any employment other than his police-duty, or who shall be guilty of cowardice, or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable, on conviction before a Magistrate, 8 [to imprisonment for a term which may extend to three years and with 0.1 million fine.]*

31. Since the practice of delayed registration is considerably more prevalent in Sindh as evident from the above referred cases, the Prosecutor General, Sindh, is directed to submit a report to the Officer Incharge, Branch Registry of this Court at Karachi, for our perusal in chambers, within one month regarding the average delay in registration of F.I.Rs in regard to heinous offences in the last two years in the province of Sindh.

32. The office is also directed to send a copy of this judgment to the Inspector Generals of Police and the Prosecutor Generals of all provinces as well as ICT. The Inspector Generals of Police of all provinces and the ICT shall ensure the mechanism of '***internal policing***' to curb the excess/misuse of powers by the police officers. They are directed to take practical steps in order to ensure that there is no refusal or delay in registration of F.I.R under section 154 of the Cr.P.C, if the information relates to the commission of a cognizable offence, even if such information is initially entered in *Roznamcha*/daily diary, it shall be treated as part of FIR and incorporated accordingly. We also expect that the Prosecutor Generals of the respective Provinces as well as ICT advise the police authorities and frame standard operating procedures in

accordance with the mandate of the Cr.P.C. They are further directed to make the relevant Police Rules in Line with the spirit of the Cr.P.C., specifically in regards to the Form of F.I.R., in consultation with all relevant departments.

33. In regard to this particular case, the Inspector General of Police, Sindh is directed to initiate departmental proceedings against the police officers who caused delay in registration of F.I.R. in instant case.

34. The office is directed to circulate this judgment to all the High Courts of Pakistan as well as District Courts for guidance and compliance.

35. The District and Sessions Judges of all districts in the province of Sindh shall ensure that in lower courts the '**complainant**' or '**informant**' as the case may be, is not referred to by the term '***Faryaadi***' while calling the case

36. For the reason mentioned in paras 7 to 13 the impugned judgment being well reasoned needs no interference by this Court. Consequently, leave is refused and this petition is dismissed.

JUDGE

JUDGE

JUDGE

Announced in Open Court **30th** January, 2026.

JUDGE

Islamabad
11.12.2025
*M.Saeed/***

Approved for Reporting