ACADEMIA International Journal for Social Sciences
Volume 5, Issue 3, 2026 ISSN-L (Online): 3006-6638

Non-Registration of FIR by Police Under Section 154 Cr.P.C. in Pakistan and Its Effects

Dr Muhammad Imran Tahir
Imrantahir32278@yahoo.com
Arbitrator Chongqing Arbitration Commission, Chongqing, China

Mehmood Farid
mahmoodfaridsahoo@gmail.com
Canterbury Christ Church University England United Kingdom

Tauseef Adeel Hassan
tauseef_adeel85@yahoo.com
Ph.D Law (Scholar)

Corresponding Author: Dr Muhammad Imran Tahir Imrantahir32278@yahoo.com

Received: 03-02-2026 **Revised:** 15-02-2026 **Accepted:** 05-03-2026 **Published:** 22-03-2026

ABSTRACT

Section 154 of Pakistan's Code of Criminal Procedure, 1898 is designed to perform a simple but foundational task: when information relating to a cognizable offence reaches the officer in charge of a police station, that information must be reduced to writing, read over to the informant, signed, and entered in the prescribed register. In theory, that command marks the formal beginning of the criminal process. In practice, however, refusal or delay in the registration of First Information Reports (FIRs) remains one of the most damaging everyday failures of criminal justice in Pakistan. This article examines the law governing FIR registration, the reasons police officers refuse to register FIRs, and the effects of this refusal on victims, accused persons, courts, and society. It argues that non-registration is not a minor procedural irregularity but a structural denial of access to justice that undermines constitutional guarantees of life, liberty, dignity, due process, and fair trial. The article draws on the text of the Code of Criminal Procedure, the Constitution of Pakistan, the Police Order, 2002, the Torture and Custodial Death (Prevention and Punishment) Act, 2022, reported case law including Sana Ullah, Khizar Hayat, Muhammad Bashir and Sughran Bibi, as well as recent scholarship and human-rights reports. It shows that superior courts have consistently held that police have no authority to conduct a preliminary inquiry into the truth of information before registration where a cognizable offence is disclosed. Yet the practice of informal filtering continues because of political pressure, corruption, fear of rising crime statistics, bias against vulnerable complainants, and the desire to use unrecorded detention and coercive settlement as substitutes for lawful investigation. The article concludes that meaningful reform requires digital registration systems, mandatory supervisory review of refusals, stronger use of remedies under sections 22-A and 22-B Cr.P.C., disciplinary and penal accountability for offending officers, victim-sensitive reporting procedures, and a culture shift within policing from gate keeping to lawful service.

Keywords: *First Information Report, section 154 Cr.P.C., Pakistan, police refusal, access to justice, fair trial, illegal detention, police accountability*

INTRODUCTION

A criminal justice system is often judged by its trials, convictions, acquittals, and appellate corrections. Ordinary citizens, however, usually experience it much earlier—at the door of the police station. In Pakistan that first point of contact is the First Information Report, commonly known as the FIR. The FIR is not proof of guilt, nor is it the entire prosecution case; it is merely the earliest formal information that a cognizable offence may have been committed. Yet this modest procedural document performs a constitutional function far greater than its technical description suggests. It triggers lawful investigation, preserves contemporaneity, records the complainant's version before later distortions take hold, brings the matter under judicial and prosecutorial supervision, and creates a paper trail against arbitrary policing. Without it, the criminal process begins to slide into informality, opacity, and coercion.

That is why non-registration of FIRs under section 154 Cr.P.C. is so serious. When the police refuse to record information about a cognizable offence, the immediate injury is not only to the complainant. The entire criminal process is distorted. Evidence is lost, witnesses disperse, medico-legal examinations are delayed, the accused is either informally protected or informally pressured, and courts are later asked to make sense of a process that never began according to law. What should have been a rule-bound investigation is replaced with discretion at the police station—often invisible, unrecorded, and unreviewed.

The legal position, at least on paper, is not uncertain. Section 154 uses mandatory language. Recent and older judgments alike have reiterated that the police cannot test the truthfulness, reliability, or reasonableness of information before recording an FIR if a cognizable offence is disclosed (Code of Criminal Procedure, 1898, s. 154; Muhammad Bashir v. Station House Officer, Okara Cantt., PLD 2007 SC 539; Sana Ullah v. S.H.O., Police Station Civil Lines, Gujrat, PLD 2003 Lah. 228). The police may investigate after registration under sections 156 and 157, and may conclude under section 173 that no case is made out. But the power to investigate is not the power to refuse registration.

Despite that clarity, refusal and delay remain common enough to attract repeated judicial comment, academic concern, and human-rights criticism. Human Rights Watch (2016) documented that victims of crime and police abuse in Pakistan often face refusal to register FIRs, demands for bribes, and manipulated investigations. Recent scholarship reaches a similar conclusion: police continue to behave as though registration were discretionary, forcing victims to seek relief from Ex-Officio Justices of the Peace, writ courts, or private complaint mechanisms (Batool et al., 2024; Khan et al., 2025). This article therefore asks a basic but urgent question: if the law is relatively clear, why does non-registration continue, and what does it do to justice when it does?

THE LEGAL FRAMEWORK OF FIR REGISTRATION IN PAKISTAN

The starting point is the Code of Criminal Procedure, 1898. Section 154 provides that every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, "shall" be reduced to writing, read over to the informant, signed by the person giving it, and entered in the prescribed book (Code of Criminal Procedure, 1898, s. 154). The section does not say "if the police believe it"; it does not say "after preliminary satisfaction"; and it does not authorize a filtering inquiry into credibility before writing the information down. That legislative choice is important. The purpose of section 154 is to ensure that the first account of a cognizable offence reaches the legal record without being silently modified by police opinion.

Section 156 complements this arrangement. Once a cognizable case is registered, the officer in charge of a police station may investigate it without the order of a Magistrate (Code of Criminal Procedure, 1898, s. 156). Section 157 then allows the officer to decide whether and how to proceed with investigation, subject to limited statutory exceptions where there is no sufficient ground to enter upon investigation. These sections show the sequence intended by the Code: first registration, then investigation, then legal evaluation of sufficiency. The Code does not place investigation before registration. If the information concerns a non-cognizable offence, section 155 applies and the police must enter the substance in a separate book and refer the informant to the Magistrate. This distinction between sections 154 and 155 is one of classification, not of police convenience.

Section 173 further demonstrates why registration matters. It requires that every investigation under Chapter XIV be completed without unnecessary delay and that a report be forwarded to the Magistrate through the Public Prosecutor (Code of Criminal Procedure, 1898, s. 173). The proviso requiring an interim report if investigation is not completed within fourteen days also presupposes that the FIR has been recorded and the investigative clock has formally begun. In addition, section 173 obliges the officer to communicate the action taken to the person who first gave the information relating to the offence. Thus, registration under section 154 is not a stand-alone clerical step; it is the hinge on which the later duties of investigation, reporting, prosecutorial scrutiny, and judicial supervision turn.

The Cr.P.C. also contains remedies for police refusal. Through provincial amendments and judicial development, sections 22-A and 22-B have become central in practice. The Ex-Officio Justice of the Peace is expected to provide a nearby statutory forum where the citizen may complain about non-registration of a cognizable case and seek directions to the police authorities to perform their legal duty. The Advocate General Punjab's summary of the case law explains that the object of sections 22-A and 22-B is to provide a responsible forum at the doorstep of the citizen against unlawful refusal by police to register a case (Advocate General Punjab, n.d.). This remedy is important, but its very prominence is also evidence of systemic failure: an "immediate" statutory duty at the police station should not routinely require litigation before a Sessions Judge.

The broader legal framework includes the Police Rules, 1934. Rule 24.1 links the statutory command of sections 154 and 155 with police record-keeping practice and underscores that information about offences must be recorded in writing. Rule 24.5 concerns the FIR register itself. In other words, the obligation to register is not only statutory but also administrative and professional. It is embedded in the operational law of policing. The RSIL abridged compendium on police laws similarly describes sections 154, 155, and the relevant Police Rules as the foundation of the information-to-investigation process (Research Society of International Law [RSIL], 2016).

Beyond procedural law, constitutional law gives the problem its normative depth. Article 9 protects life and liberty; Article 10 protects safeguards as to arrest and detention; Article 10A guarantees the right to a fair trial and due process; and Article 14 protects the dignity of man and the privacy of home (Constitution of the Islamic Republic of Pakistan, 1973). Refusal to register an FIR where a cognizable offence is disclosed undermines all four. It impairs access to justice, frustrates lawful investigation, facilitates arbitrary detention outside the statutory record, and forces victims into humiliating and often expensive struggles for basic recognition.

Finally, the Police Order, 2002 and the Torture and Custodial Death (Prevention and Punishment) Act, 2022 widen the frame. The Police Order was promulgated as a reform measure meant to align policing with constitutional and democratic norms, while the 2022 Act reflects Pakistan's long-delayed acknowledgment that custodial abuse requires specific criminalization. Although neither law substitutes for section 154, both are relevant because non-registration often becomes the gateway to unlawful detention, coercive interrogation, and extra-legal "settlement" practices that thrive precisely when the process remains off the books (Police Order, 2002; Torture and Custodial Death (Prevention and Punishment) Act, 2022).

JUDICIAL INTERPRETATION: REGISTRATION IS MANDATORY, NOT OPTIONAL

Pakistani courts have spent over two decades repeating a proposition that should not have required so much repetition: where information discloses a cognizable offence, the police must register an FIR and may not first inquire into its truthfulness. One of the clearest early formulations came in Sana Ullah v. S.H.O., Police Station Civil Lines, Gujrat (PLD 2003 Lah. 228), where the Lahore High Court held that the words “every information relating to commission of a cognizable offence” refer to the information supplied and not to the actual proved commission of the offence. That is a crucial doctrinal distinction. If police could demand proof before recording the FIR, section 154 would collapse into an unofficial mini-trial at the police station.

The Lahore High Court elaborated the remedy-side structure in Khizar Hayat v. Inspector-General of Police, Punjab (PLD 2005 Lah. 470), a landmark judgment on the powers of the Ex-Officio Justice of the Peace. The Court treated the office of Justice of the Peace as a practical statutory forum capable of directing police authorities to perform duties imposed by law, including the registration of a case where police had wrongfully refused. Later academic analysis by Munir (2011) and policy writing by the Institute of Policy Reforms (2024) both explain why Khizar Hayat became so influential: it shifted non-registration from a matter of administrative helplessness to one of legally enforceable public duty.

The Supreme Court confirmed the mandatory nature of section 154 in Muhammad Bashir v. Station House Officer, Okara Cantt. (PLD 2007 SC 539). The Court made it clear that the officer in charge of a police station cannot refuse to record an FIR on the basis of his own assessment that the allegations appear false or doubtful. That issue belongs to investigation, not registration. This judgment remains vital because it rejects one of the police’s most common informal defenses: “we first need to verify whether the allegation is true.” Legally, they do not. They first need to record the information and then investigate.

More recently, the same principle has been reaffirmed in reported High Court case law. In a reported Lahore High Court decision noted as 2024 PCrLJ 351 (2022 LHC 6953), the Court held that the legislature intentionally used the words “every information,” and therefore reasonableness or credibility is not a condition precedent for registration. The Advocate General Punjab’s digest on preliminary inquiry before lodging an FIR collects this line of authority and concludes that police have no power to first investigate the matter and then register the case (Advocate General Punjab, n.d.).

The importance of Sughran Bibi v. The State (PLD 2018 SC 595) lies in a slightly different direction. The case is often remembered for the law on second FIRs, police encounters, and the structure of criminal proceedings, but it also reinforces the foundational place of the FIR in the criminal process. Kamran Adil’s discussion of the judgment explains that the Supreme Court treated the FIR as the first information that sets the process in motion, while also stressing that the police version recorded in an FIR is merely a version, not final truth (Adil, 2018). That aspect of the judgment is relevant here because it answers another police habit: the fear that immediate registration somehow endorses the complainant’s allegations. It does not. Registration only records the first information. The investigation remains responsible for discovering the truth.

Together, these authorities establish a settled legal position. The real problem, therefore, is not uncertainty of law but resistance in practice.

This jurisprudence also reveals an important conceptual point: the law’s insistence on immediate registration is not naive. Courts know that false allegations exist. That is why the legal system provides later investigative powers under sections 156 and 157 Cr.P.C., discharge under section 169 where evidence is deficient, final report procedures under section 173, and penal provisions such as sections 182 and 211 of the Pakistan Penal Code for false information and false charges. The answer to possible falsity is not police veto at the threshold. It is lawful investigation followed by lawful consequences for whoever abused the process.

WHY POLICE REFUSE OR DELAY FIR REGISTRATION

If the law is this clear, why does refusal persist? The first answer is institutional self-interest. Police organizations are often judged by reported crime rates, "performance," and public order optics. Registering more FIRs can make a police station appear disorderly, overburdened, or ineffective. Not registering them may temporarily keep official crime figures lower. This incentive is perverse but powerful. It shifts the focus from lawful response to statistical cosmetics. Scholars and policy commentators have observed that police sometimes treat the FIR as a metric-management device rather than as a citizen's legal right (Batool et al., 2024; Khan et al., 2025).

A second reason is corruption. Human Rights Watch (2016) documented that victims and families frequently encounter demands for bribes before the police will record a complaint or act on it. Non-registration becomes a pressure tactic: the law is delayed until money changes hands, political support is mobilized, or an influential intermediary intervenes. In other cases, the bribe comes from the other side. The accused, or those protecting him, persuade the police not to record the matter at all, or to record it weakly, late, or in a legally distorted form. Corruption of this kind turns section 154 from a mandatory rule into a negotiable commodity.

A third reason is political and social influence. FIR refusal is especially common where the accused is locally powerful, related to political actors, linked to the police, or capable of generating pressure through biradari, landholding, or patronage networks. The police then attempt informal compromise, pressure the complainant to withdraw, insist that the matter is "civil," or simply keep the complaint outside the formal system. This pattern is not limited to high politics. In everyday disputes over land, domestic violence, workplace abuse, caste oppression, or attacks by local strongmen, refusal operates as a technology of social hierarchy. The more vulnerable the complainant, the more likely the complaint will be treated as expendable.

A fourth reason is the persistence of the pre-FIR inquiry mindset. Even though the courts have repeatedly condemned it, many officers still behave as if they are legally entitled to verify whether the information is true before registration. This misunderstanding may partly reflect poor training and partly a culture of inherited police practice. The article by Batool et al. (2024) is particularly useful here: it argues that police continue to act under the misconception that they have discretion to refuse or delay registration, and that this misconception directly harms the right to fair trial. The Advocate General Punjab's digest on preliminary inquiry before FIR registration similarly concluded that police had no power to first investigate the matter and then register the case (Advocate General Punjab, n.d.).

A fifth reason is police unwillingness to register complaints against police. This is perhaps the most troubling category. Where the allegation concerns custodial violence, illegal detention, encounter killings, extortion, sexual abuse in custody, or fabricated cases, the refusal to record an FIR serves not just bureaucratic convenience but impunity. The complainant is then trapped in a system where the accused institution controls the entry point to the legal process. Sughran Bibi exposed this issue dramatically in the encounter context, but it is equally acute in ordinary illegal detention and torture cases. NCHR's reports on police torture and the 2024 gap analysis on the Torture and Custodial Death Act underscore how weak complaint pathways continue to shield abuse in custody (National Commission for Human Rights [NCHR], 2018; Justice Project Pakistan & NCHR, 2024).

A sixth reason is bias against certain categories of complainants. Women reporting domestic or sexual violence, poor complainants lacking influence, religious minorities, trans persons, bonded labourers, and residents of rural or conflict-affected areas often face disbelief, delay, or pressure to reconcile. Police refusal in such cases does not merely reflect legal error; it reflects social prejudice. It tells the victim that the law is available in theory but negotiable in practice. This is one reason why non-registration must be read not only as a criminal procedure problem, but as an equality and dignity problem.

Finally, there is the “false FIR” argument. Police officers often justify refusal by saying that false cases are common and that immediate registration will harass innocent people. The argument is not wholly frivolous; false accusations do occur. But the legal system already contains tools to handle them. Sections 182 and 211 PPC punish false information and false criminal charges; section 173 allows the police to conclude that the complaint is not substantiated; and courts can quash frivolous proceedings. The law therefore already balances access and protection. What it does not do is authorize the police to become the unreviewed gatekeeper of truth before the process has even formally begun (Pakistan Penal Code, 1860, ss. 182, 211).

EFFECTS OF NON-REGISTRATION: THE DAMAGE BEGINS AT THE THRESHOLD

The most immediate effect of non-registration is denial of access to justice. A complainant who has suffered a cognizable offence is entitled not to conviction, but to lawful entry into the justice process. Without an FIR, there is no formal investigation, no case diary, no structured duty to collect evidence, no section 173 report, and often no prosecutorial oversight. The citizen is effectively told that the criminal law exists, but not for them. This is particularly harsh in Pakistan, where private resources are uneven and the victim often depends almost entirely on the state to activate the criminal process.

The second effect is the loss of evidence. Criminal proof is fragile. Bloodstains are washed away. CCTV is overwritten. injuries fade. witnesses forget. phone data changes. medical reports become less probative when delayed. In cases of rape, domestic violence, custodial abuse, child abuse, and grievous hurt, the value of immediate medico-legal examination is often decisive. Delayed FIR registration can fatally weaken such evidence even before the investigator starts working. This is why non-registration does not merely delay justice; it changes the eventual quality of justice that will be available. What may later look like “insufficient evidence” may in fact be the direct result of the police’s initial refusal to create the legal record in time.

The third effect is distortion of the fair-trial process under Article 10A of the Constitution. Fair trial is not only a right of the accused in the courtroom. It also includes a fair, lawful, and timely process by which the truth is investigated and brought before the court. Batool et al. (2024) rightly argue that the victim’s ability to set the criminal process in motion through FIR registration has become part of the fair-trial structure of Pakistan’s criminal justice system. If an FIR is refused, the later trial—if it occurs at all—begins with an avoidable handicap. Witness accounts may be attacked as belated; medical material may be missing; defense arguments about embellishment become stronger; and the court is deprived of the earliest record of the event. Non-registration, in this sense, manufactures evidentiary weakness.

The fourth effect is the facilitation of illegal detention and torture. This is one of the darkest consequences. Where no FIR is registered, the police may still informally pick up suspects, “call them for inquiry,” keep them off the record, pressure families, demand money, or force compromise. Because there is no registered case and no production before a Magistrate on the strength of a formal investigation, section 167 Cr.P.C. and related remand safeguards become easier to evade in practice. The person may not even appear in the system as an accused. Justice Project Pakistan and NCHR (2024) note that complaints procedures around torture remain ambiguous and underdeveloped, while HRW (2016) and NCHR’s own reports document the frequency with which custodial abuse and police violence thrive in opaque settings. Non-registration is therefore not only about victims of the underlying offence; it is also about suspects and detainees whose liberty becomes vulnerable once policing slips outside formal record-keeping.

The fifth effect is that it protects police misconduct itself. Complaints against police—illegal confinement, custodial violence, extortion, encounter killings, or fabrication of evidence—often depend on the registration of an FIR against police officials. When the same institution controls whether that FIR is recorded, impunity is built into the system. Sughran Bibi demonstrated why courts cannot treat this as a marginal issue. If the state may decide whether allegations against its own coercive agents will enter the criminal record, then accountability becomes discretionary. This is fundamentally incompatible with constitutional government.

The sixth effect is the burdening of courts with avoidable threshold litigation. In a properly functioning system, a citizen should report a cognizable offence to the police station, obtain registration, and allow the investigation to begin. In Pakistan, however, many victims must file applications before the Ex-Officio Justice of the Peace, approach the Sessions Court, file writ petitions, or pursue private complaints. This takes time, money, and legal assistance that many complainants do not have. The result is unequal access: those with resources can push for registration; those without are often silenced. Meanwhile, the superior judiciary spends time reiterating first principles that should have been obeyed at the police station.

The seventh effect is the encouragement of informal settlements and private coercion. Once the police refuse to register a complaint, complainants are often pressured into compromise, tribal or biradari settlement, monetary adjustment, or simple abandonment. In some property and family disputes, police deliberately cultivate this outcome by refusing to formalize the matter. What looks like "community resolution" may in fact be coerced withdrawal under conditions of unequal power. This particularly harms women, children, poor litigants, domestic workers, and subordinate tenants or labourers who cannot negotiate on equal terms.

The eighth effect is social distrust. The FIR is symbolically important because it tells the citizen: the state has heard you and has entered your grievance into law. Refusal sends the opposite message: your injury is unofficial until the police choose to acknowledge it. Human-rights reporting in Pakistan consistently shows that distrust in policing is linked not only to brutality but also to denial of service. People do not merely fear the police; they often do not believe the police will act unless compelled. That distrust has wider consequences. Citizens stop reporting offences, treat the system as purchasable, or seek protection from political patrons rather than law.

The ninth effect is distortion of crime statistics and policy making. If serious complaints remain unregistered, official data about crime trends become unreliable. Under-reporting is not just a statistical issue; it shapes budget allocation, deployment, legislative priorities, and public debate. A police station that suppresses registration can appear peaceful on paper while the underlying social reality deteriorates. This distorts governance at the provincial and national level.

The tenth effect is differential harm in gender-based and vulnerable-victim cases. In cases of sexual violence, domestic violence, trafficking, child abuse, and bonded labour, the complainant's first attempt to approach the police is often the moment of greatest courage and greatest fragility. Refusal at that stage can end the matter completely. Shame, fear of retaliation, dependency on the accused, and community pressure make return attempts less likely. Thus, in these categories, non-registration is not merely delay; it is often permanent exclusion.

The eleventh effect is doctrinal. Later courts may treat delay in reporting as suspicious, even where the delay was caused by the police's refusal to record the complaint. While courts do recognize contextual explanations for delayed FIRs, the defense still gains a forensic advantage from the gap. This means that the harm caused by police refusal is often laundered into later legal doubt. The complainant is first denied registration, and then blamed for delay. Few injustices are more circular.

The twelfth effect is moral and constitutional. Articles 9 and 14 of the Constitution protect security of person and dignity. When a citizen suffering a cognizable offence is told, implicitly or explicitly, that the state will not even record the complaint, dignity is denied before adjudication has begun. It tells the citizen that the law will not take the trouble to listen in an official form. In this sense, the refusal to register an FIR is not only a procedural wrong but an affront to equal citizenship.

NON-REGISTRATION, ILLEGAL DETENTION, AND THE SHADOW SYSTEM OF POLICING

One of the most important but least adequately discussed consequences of FIR refusal is the creation of a shadow system of policing—one that operates outside the visible statutory sequence of sections 154, 156, 167, and 173 Cr.P.C. In a lawful system, the moment information about a cognizable offence is received, it is recorded. Investigation follows. If a suspect is arrested and investigation cannot be completed within twenty-four hours, section 167 requires production before a Magistrate, accompanied by case-diary material and judicial authorization of detention. That sequence is not accidental. It is the architecture that converts coercive state power into reviewable legal power.

When the FIR is not registered, this architecture weakens. The police may still summon, detain, threaten, negotiate, or interrogate people unofficially. Families may not know whether their relatives are merely "called for inquiry," actually detained, or transferred elsewhere. Because there is no recorded FIR, there is often no immediate judicial gaze upon the matter. Such informal detention practices are repeatedly associated in Pakistan with torture, extortion, forced compromise, and disappearance of time. The absence of formal registration thus feeds the possibility of unlawful custody.

This link is visible in both human-rights documentation and judicial responses. Human Rights Watch (2016) connected refusal to register complaints with broader patterns of police abuse, including extortion and coercive investigations. NCHR's 2018 report on police torture in Faisalabad and the 2024 gap analysis prepared with Justice Project Pakistan show how custodial abuse persists where complaint systems are weak and accountability channels remain uncertain. Even where Pakistan has enacted the Torture and Custodial Death (Prevention and Punishment) Act, 2022, enforcement remains limited, and opaque complaint pathways still obstruct effective redress (Justice Project Pakistan & NCHR, 2024).

The problem becomes especially stark where the complaint itself is against the police. In such situations non-registration and illegal detention form a closed loop. The victim cannot effectively challenge unlawful custody because the complaint is not recorded; the police resist recording because the complaint concerns their own conduct; and the delay then erodes the complainant's evidence. The law's formal answer to this is judicial intervention—sections 22-A and 22-B, constitutional petitions, habeas corpus, and eventually prosecution under the 2022 Act or relevant Penal Code provisions. But these are remedial strategies after the damage has already begun.

Non-registration also affects suspects in another way. The police sometimes use the threat of an FIR—or the promise of not registering one—to extract money, pressure confessions, or negotiate outcomes. This is the inverse form of the same abuse. Here registration is withheld not because the complaint is weak, but because informality itself is more profitable or more useful to the police. The power not to write becomes an instrument of leverage. Any serious reform of section 154 practice must therefore be understood as anti-corruption and anti-torture reform as much as victim-access reform.

From a rule-of-law perspective, the key point is simple: when FIR registration fails, the criminal process becomes easier to privatize, manipulate, or brutalize. The state still exercises power, but not through the forms that law requires. That is why discussions of illegal detention in Pakistan cannot be separated from discussions of section 154. The unofficial detention of persons, whether complainants, suspects, or witnesses, becomes much harder to sustain when the police are compelled to keep the first procedural door open and visible.

ARE EXISTING REMEDIES ADEQUATE?

Pakistan's legal system does not leave victims entirely without remedy. But whether the existing remedies are adequate is a harder question. The most common statutory remedy is an application before the Ex-Officio Justice of the Peace under sections 22-A and 22-B Cr.P.C. In principle, this is a practical and citizen-facing mechanism. It allows a complainant to approach the Sessions Court and seek directions to the police to register an FIR where a cognizable offence is disclosed. Case law and policy commentary both recognize its utility, and Munir's (2011) discussion of Khizar Hayat shows how important this forum became in the post-amendment landscape.

Yet adequacy must be judged from the citizen's perspective. The victim must prepare an application, gather some supporting material, attend hearings, often hire a lawyer, and wait for orders, all before the legal process that should have begun at the police station actually begins. The remedy is useful, but it is not equivalent to voluntary compliance by the police. It transfers the burden of enforcing a mandatory police duty onto the complainant. That burden is bearable for affluent, urban, legally connected complainants and crushing for poor, rural, female, elderly, or socially marginalized victims.

The second remedy is a private complaint before the Magistrate. Courts have occasionally noted that in some exceptional circumstances a direct complaint may be pursued. But recent High Court case law has emphasized that the availability of a direct complaint cannot be treated as a routine justification for FIR refusal, because doing so would render section 154 pointless and would allow the police to offload their own statutory responsibility onto private litigants. A direct complaint also differs structurally from an FIR-led case: it lacks the immediate police investigative apparatus and often places a greater evidentiary burden on the complainant at the outset.

The third remedy is constitutional litigation—writ petitions, habeas corpus, or constitutional review where the case involves police inaction, arbitrary detention, or violation of fundamental rights. These are essential safeguards, but they are also expensive, time-consuming, and inaccessible for many people. They are extraordinary remedies, not substitutes for day-to-day obedience to section 154.

The fourth remedy is departmental accountability. In theory, police officers who refuse lawful registration may face disciplinary consequences. Batool et al. (2024) note that failure to register an FIR can attract departmental action, although enforcement is weak. In practice, however, disciplinary accountability is often inconsistent and opaque. The complainant rarely sees what happened internally. This reduces deterrence.

The fifth remedy lies in penal law. Sections 166 and 167 PPC punish public servants who knowingly disobey the law to cause injury or who frame incorrect documents with intent to cause injury. Sections 217 and 218 are even more pointed, addressing disobedience of law to save a person from punishment and framing incorrect records or writings to save someone from punishment. These provisions are strikingly relevant to deliberate FIR refusal or manipulation by police officers. Yet they are rarely invoked robustly in ordinary non-registration cases. On the other side, sections 182 and 211 PPC address false information and false criminal charges. Their existence is important because they demonstrate that the legal system already has post-registration safeguards against abuse. Police refusal is therefore not necessary to protect innocent persons. What is necessary is honest investigation.

Overall, then, the current remedies are legally significant but practically insufficient. They function more as repair tools than as real deterrents. The deeper need is for a system in which these remedies become exceptional because police registration is routine, timely, and reviewable.

REFORM AGENDA: FROM POLICE GATE KEEPING TO LEGAL ACCESS

Reform must begin with a simple proposition: section 154 should be treated as an access-to-justice guarantee, not merely a station-house formality. Once that is accepted, several reforms follow naturally.

First, Pakistan should move decisively toward universal digital and traceable FIR intake. Punjab's recent move to amend the Police Rules toward digital recording points in the right direction, even if implementation remains uneven. Every complainant should be able to file information through multiple channels—physical station, complaint desk, helpline, online portal, women's desk, and designated oversight office—with automatic issuance of a tracking number. Digital systems alone do not end abuse, but they make disappearance of complaints harder. They also create audit trails that supervisors and courts can later examine.

Second, every refusal to register a cognizable case should itself be recorded in writing, with reasons, and immediately transmitted to a supervisory officer. This does not mean police may lawfully refuse registration whenever they give reasons; the legal default remains mandatory registration. But if an officer claims that the offence is non-cognizable or that the application does not disclose an offence at all, that conclusion should be written, dated, reviewable, and communicable to the complainant within a short statutory period. Shadow refusals thrive in oral space; accountable refusals leave paper.

Third, supervisory accountability must be real. District Superintendents of Police and specialized complaint cells should be under a statutory obligation to review refusal patterns station-wise. If one police station shows an unusual gap between complaints received and FIRs registered, that should trigger inspection. Judicial data and internal police data must be connected. A police culture in which stations are informally praised for "controlling" FIRs needs to be reversed.

Fourth, the remedy under sections 22-A and 22-B should be made faster, cheaper, and less formal. Standardized forms, video-hearing options, legal aid counters, and timelines for disposal would reduce the burden on complainants. Orders of the Ex-Officio Justice of the Peace directing registration should also be monitored for compliance, not merely issued and forgotten. It is not enough to give directions; the system must verify obedience.

Fifth, police training requires reconstruction. Officers should be taught not simply that section 154 uses the word "shall," but why. They must understand the sequence of sections 154, 156, 157, 167, and 173; the constitutional significance of prompt registration; the irrelevance of their personal belief in truthfulness at the threshold stage; and the consequences of delay for evidence, fair trial, and victim confidence. Training should specifically address common misconceptions: that an FIR proves guilt, that civil flavour automatically excludes cognizable offences, that compromise can precede registration in serious cases, or that allegations against police may be informally screened.

Sixth, vulnerable-victim reporting pathways need strengthening. Women's complaints, domestic and sexual violence complaints, child abuse complaints, labour exploitation cases, and complaints by minorities or persons with disabilities should be receivable at specialized desks with referral protocols that cannot be blocked by station-house bias. Medico-legal examination should be linked to complaint intake so that evidence is not lost while the complainant is sent from one office to another.

Seventh, Pakistan should more seriously use existing penal provisions against deliberate non-registration, manipulation, or shielding. Sections 166, 167, 217, and 218 PPC are not dead letters. Where an officer knowingly disobeys section 154 to cause injury, or frames an incorrect station record to save a person from punishment, the Penal Code already contains the doctrinal tools to respond. The problem is institutional reluctance, especially where the police police themselves.

Eighth, anti-torture and anti-illegal detention reform must be integrated with FIR reform. The 2022 Torture and Custodial Death Act cannot be implemented effectively if the earliest complaint stage remains weak and informal. Complaints of unlawful detention, custodial abuse, or police violence should be capable of bypassing the local station where conflict of interest exists, with direct intake by an external authority and rapid judicial oversight.

Ninth, data transparency matters. Provincial police departments should publish periodic statistics on complaints received, FIRs registered, refusals categorized by reason, applications under sections 22-A/22-B, and compliance with orders of Justices of the Peace. Public visibility changes incentives. What remains invisible remains deniable.

Tenth, public legal literacy is essential. Many citizens do not know the difference between a cognizable and non-cognizable offence, do not know that oral information must be reduced to writing, and do not know that delay and refusal can be challenged. Legal education campaigns, especially through district legal empowerment initiatives, would reduce the asymmetry between station-house power and citizen knowledge.

Finally, reform must reject a false choice. It is often said that easier FIR registration will produce false cases, burden the police, and harass innocent people. That concern should be answered through investigation quality, prosecutorial screening, discharge where evidence is deficient, and punishment for false charges—not by denying entry to the justice system itself. The rule of law is not maintained by refusing to hear complaints. It is maintained by hearing them promptly and investigating them honestly.

CONCLUSION

The non-registration of FIRs under section 154 Cr.P.C. in Pakistan is one of the clearest examples of a simple legal rule being defeated by institutional culture. The law is straightforward: where information discloses a cognizable offence, the police must record it. Courts have repeatedly said so. The police may investigate afterwards; they may conclude the complaint is false; they may recommend cancellation; they may facilitate prosecution where evidence supports it. But they may not convert their skepticism, convenience, fear of statistics, corruption, bias, or institutional self-protection into a threshold veto. Its effects are severe. Non-registration denies access to justice, weakens fair trial, destroys evidence, burdens courts with threshold litigation, enables illegal detention and torture, protects police misconduct, distorts crime statistics, and deepens public distrust. It also harms the most vulnerable complainants the most. In that sense, it is not only a procedural problem but a constitutional one. It implicates liberty, dignity, equality, and due process. Pakistan does not need new principles so much as serious implementation of existing ones. Section 154 must be obeyed as written. Sections 22-A and 22-B must be made faster and more accessible. Supervisory, disciplinary, and penal accountability must become credible. Digital intake, public data, victim-sensitive reporting, and anti-torture enforcement must all be integrated into one reform vision. The real test of criminal justice is not how elegantly it explains rights in appellate judgments, but whether an ordinary citizen can walk into a police station, report a cognizable offence, and be heard by law rather than by discretion.

REFERENCES

Adil, K. (2018). The Sughran Bibi case and its impact on the criminal justice system of Pakistan. LUMS Law Journal, 5(1), 87–94. https://sahsold7.lums.edu.pk/sites/default/files/7._the_sughran_bibi_case_and_its_impact_on_the_criminal_justice_system_of_pakistan_0.pdf

Advocate General Punjab. (n.d.). Investigation or preliminary inquiry before lodging of a first information report. https://advocategeneral.punjab.gov.pk/system/files/Investigation.pdf

Batool, T., Shaheen, M. B., Akbar, M. S., & Rana, M. Z. R. (2024). The right to register an FIR: Foundation for fair trials in Pakistan. International Journal of Social Science Archives, 7(2), 396–402. https://ijssa.com/index.php/ijssa/article/download/316/237/

Code of Criminal Procedure (CrPC), 1898 (Act V of 1898) (Pakistan).

Constitution of the Islamic Republic of Pakistan, 1973 (updated through Nov. 21, 2025). National Assembly of Pakistan. https://na.gov.pk/uploads/documents/6926e060076ed_467.pdf

Human Rights Commission of Pakistan. (2024). State of human rights in 2023. https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2024-State-of-human-rights-in-2023-EN.pdf

Human Rights Watch. (2016). This crooked system: Police abuse and reform in Pakistan. https://www.hrw.org/report/2016/09/27/crooked-system/police-abuse-and-reform-pakistan

Institute of Policy Reforms. (2024). Criminal law: Equity and justices of peace (Policy brief, authored by M. S. Usman). https://ipripak.org/wp-content/uploads/2024/02/PB-JoP.pdf

Justice Project Pakistan, & National Commission for Human Rights. (2024). Gap analysis: Torture and Custodial Death (Prevention and Punishment) Act, 2022. https://nchr.gov.pk/wp-content/uploads/2024/06/Torture-Custodial-Death.pdf

Khan, S. M., Saeed, S., Khokhar, J. A., & Ahmad, H. (2025). Barriers to justice: The non-registration of FIRs in Pakistan and its impact on society. Social Science Review Archives, 3(1), 2421–2430. https://doi.org/10.70670/sra.v3i1.549

Khizar Hayat and others v. Inspector-General of Police (Punjab), Lahore and others, PLD 2005 Lahore 470.

Muhammad Bashir v. Station House Officer, Okara Cantt. and others, PLD 2007 Supreme Court 539.

Mst. Sughran Bibi v. The State, PLD 2018 Supreme Court 595.

National Commission for Human Rights. (2018). Police torture in Faisalabad. https://nchr.gov.pk/wp-content/uploads/2023/09/Police-Torture-in-Faisalabad.pdf

Pakistan Penal Code, 1860 (Act XLV of 1860) (Pakistan).

Research Society of International Law. (2016). Frequently applied police laws and procedures: An abridged compendium. https://rsilpak.org/wp-content/uploads/2019/01/Frequently-Applied-Police-Laws-and-Procedures-An-Abridged-Compendium.pdf

Sana Ullah v. S.H.O., Police Station Civil Lines, Gujrat and 3 others, PLD 2003 Lahore 228.

Torture and Custodial Death (Prevention and Punishment) Act, 2022 (Pakistan).

2024 PCrLJ 351 = 2022 LHC 6953 (Lahore High Court).