

Compensation for False, Frivolous, and Vexatious Accusations: A Critical Analysis of Section 250 of the Code of Criminal Procedure, 1898 (Pakistan)

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Abstract

False, frivolous, and vexatious criminal accusations remain frequent in Pakistan, yet compensation for acquitted accused persons under Section 250 of the Code of Criminal Procedure, 1898 (Cr.P.C.) is rarely awarded. This deficiency stems primarily from inadequate judicial understanding of the provision, as evidenced by reported case law. The compensatory framework under Pakistani law lacks vigor, and superior court jurisprudence has provided insufficient guidance for trial courts. Furthermore, academic scholarship on this topic remains notably sparse.

This article critically examines the limited Pakistani case law on Section 250, dissects the statutory provision to clarify its procedural requirements, and proposes legislative amendments to achieve its intended purpose: the deterrence of false, frivolous, or vexatious criminal prosecutions. Given the absence of comprehensive research on this subject, this study compiles and analyzes scattered judicial materials to provide a systematic guide for judicial officers, legal practitioners, and researchers.

Keywords: *false criminal accusations; frivolous prosecutions; vexatious litigation; Section 250 Cr.P.C.; compensation for wrongful prosecution; comparative criminal procedure; Pakistan; India*

1. Introduction

1.1 Research Context and Significance

Section 250 Cr.P.C. represents a crucial yet underutilized mechanism for compensating victims of false, frivolous, and vexatious criminal accusations in Pakistan. Analogous provisions exist in the criminal procedure codes of India, Bangladesh, Myanmar, and Malaysia, reflecting the transnational recognition of this procedural safeguard (Law Commission of India, 1969). Despite its inclusion in Pakistan's colonial-era criminal procedure code since 1898, the provision has remained substantially unamended and has attracted minimal scholarly attention.

The present study critically analyzes Section 250 through examination of reported Pakistani case law, comparative analysis with the Indian amended version, and doctrinal evaluation of the provision's procedural requirements. The article specifically addresses: (a) the stages involved in Section 250 proceedings; (b) the content and form of show-cause notices; (c) the nature and consideration of complainant replies; and (d) the requirements for proper judicial orders.

1.2 Research Questions

This article seeks to answer the following research questions:

1. What are the precise procedural requirements for invoking Section 250 Cr.P.C.?
2. How have Pakistani courts interpreted and applied this provision?
3. What deficiencies exist in the current legal framework, and how do they compare with the Indian amended version?
4. What legislative and policy reforms are necessary to enhance the effectiveness of Section 250?

1.3 Research Methodology

This study employs a doctrinal legal research methodology, combining: (a) statutory analysis of Section 250 Cr.P.C. and comparative provisions; (b) case law analysis of all reported Pakistani judgments (1962–2019); (c) comparative legal analysis with the Indian Cr.P.C. (1973); and (d) doctrinal synthesis of judicial interpretations and academic commentary.

1.4 Literature Review

Academic literature on Section 250 Cr.P.C. remains remarkably limited. No comprehensive monograph or dedicated article has previously examined this provision in the Pakistani context. Indian scholarship, while more developed, focuses primarily on the pre-1973 position (Ratanlal & Dhirajlal, 2018). The Law Commission of India's 41st Report (1969) provides the most authoritative comparative material, recommending substantial amendments that were subsequently incorporated into the Indian Cr.P.C., 1973. This article addresses this significant gap in Pakistani legal scholarship by providing the first systematic analysis of Section 250 jurisprudence.

2. The Statutory Framework

2.1 Text of Section 250 Cr.P.C. (Pakistan)

The text of Section 250 Cr.P.C. provides the foundational framework for compensation proceedings:

*Section 250: Compensation for false, frivolous, or
vexatious accusation*

(1) If in any case instituted upon complaint or upon information given to a police officer or to a Magistrate, one or more persons is or are accused before a Magistrate of any offence triable by a Magistrate, and the Magistrate, by whom the case is heard acquits all or any of the accused, and is of opinion that the accusation against them or any of them was false and either frivolous or vexatious, the Magistrate may by his order of acquittal, if the person upon whose complaint or information the accusation was made is present, call upon him forthwith to show cause why he should not pay compensation to such accused or to each or any of such accused when there are more than one, or if such person is not present direct the issue of a summons to appear and show cause as aforesaid.

(2) The Magistrate shall record and consider any cause

which such complainant or informant may show and if he is satisfied that the accusation was false and either frivolous or vexatious, may for reasons to be recorded, direct that compensation to such amount not exceeding twenty-five thousand rupees or if Magistrate is a Magistrate of the third class not exceeding two thousand and five hundred rupees, as he may determine, be paid by such complainant or informant to the accused or to each or any of them (Code of Criminal Procedure, 1898).

2.2 Comparative Analysis: The Indian Amendment

The Indian Parliament substantially amended Section 250 through the Code of Criminal Procedure (Amendment) Act, 1973, incorporating recommendations from the Law Commission of India's 41st Report (1969). The amendments reflect two significant conceptual shifts.

First, the Indian legislature replaced the requirement that the accusation be "false and either frivolous or vexatious" with the broader standard of "no reasonable ground for making the accusation." This change addressed the Law Commission's observation that the original threshold was "rarely satisfied" and created an objective test in place of the subjective knowledge requirement (Law Commission of India, 1969, p. 33).

Second, the Indian amendment expanded the provision's applicability to cases of discharge as well as acquittal, and increased the compensation limits (Ratanlal & Dhirajlal, 2018).

The Pakistani provision, in contrast, has remained in its original form since 1898, retaining the higher threshold of proving the accusation was "false and either frivolous or vexatious" without any amendment to incorporate knowledge or reasonable cause requirements.

3. Judicial Interpretation in Pakistan: A Critical Analysis

3.1 Early Jurisprudence (1962–1973)

The Supreme Court of Pakistan first addressed Section 250 in *Chula Qadir v. Misiry Fazal Din* (PLD 1962 SC 33), holding that the provision could not be invoked in proceedings under Section 107 Cr.P.C. (security for keeping the peace), as such proceedings are preventive rather than punitive and do not involve the "commission of an offence." The Court further clarified that orders under Section 250 are not appealable before Sessions Judges, though they remain subject to revision.

In *Abdul Quddus v. Hiran Bala Nandi* (PLD 1963 Dacca 747), the High Court established that compensation orders cannot be directed against persons who merely conveyed information to the actual complainant. The Court reasoned that tracing the original source of information would require "chains of enquiries" inappropriate to summary proceedings. This limitation, while procedurally sound, potentially shields intermediary informants from liability.

The Lahore High Court in *Muhammad Yasin v. The State* (PLD 1969 Lahore 648) made two significant contributions: (a) complainants cannot adduce evidence in support of their reply to show-cause notices; and (b) magistrates do not become *functus officio* after signing acquittal judgments, permitting subsequent Section 250 proceedings. The Court distinguished *Karam Baksh v. Muhammad Saeed* (62 IC 415), which had held post-judgment compensation awards illegal, on the basis that Section 250 had been subsequently amended by Act XVIII of 1923.

3.2 Procedural Deficiencies Identified (1971–2003)

Pakistani case law reveals persistent procedural irregularities in the application of Section 250.

3.2.1 Failure to Issue Show-Cause Notices

In *Municipal Committee v. The State* (1971 PCr.LJ 994), the magistrate imposed a "fine" without issuing a show-cause notice or recording the complainant's explanation, contrary to the mandatory requirements of sub-sections (1) and (2). The Lahore High Court set aside the order, emphasizing that the accused's acquittal must precede any compensation proceedings.

3.2.2 Confusion Between Discharge and Acquittal

In *Abdul Ghani v. The State* (1973 PCr.LJ 261), the magistrate issued a show-cause notice after discharging the accused, notwithstanding that Section 250 explicitly requires acquittal. This reflects a fundamental misunderstanding of the provision's triggering conditions.

3.2.3 Absence of Specific Findings

In *Muhammad Banaras v. The State* (PLD 1992 Karachi 135), the magistrate neither issued a show-cause notice nor recorded a clear finding that the accusation was false, frivolous, or vexatious, having acquitted the accused on grounds of reasonable doubt. The High Court set aside the compensation order.

3.2.4 Jurisdictional Confusion Regarding Sessions Courts

In *Sakhawat Ali v. The State* (2003 YLR 245), the Sessions Judge passed a compensation order after cancelling an FIR, despite the trial being pending before a magistrate. The Lahore High Court set aside the order but failed to clarify whether Sessions Judges possess inherent jurisdiction to award compensation under Section 250 when they acquit accused persons in trials before them.

3.3 Contemporary Developments (2009–2019)

The Lahore High Court in *Muhammad Afzal v. The State* (2009 PCr.LJ 1165) emphasized the necessity of separate, specific findings for awarding compensation, setting aside an order where the magistrate had failed to comply with this requirement.

The Peshawar High Court in *Abdul Razzaq v. Gul Fitrat Shah* (2014 YLR 1523) invalidated a "two-in-one" order that simultaneously acquitted the accused and directed compensation without issuing a show-cause notice. The Court correctly observed that Section 250(1) (not sub-section (2), as stated) requires prior notice.

Most significantly, the Lahore High Court in *Rab Nawaz v. Mubri Khan* (2019 PCr.LJ 894) issued comprehensive guidelines for Section 250 proceedings: (i) acquittal of the accused is mandatory; (ii) the magistrate must form the opinion that the accusation was false,

frivolous, or vexatious; (iii) the complainant must be called upon to show cause; (iv) the magistrate must record any cause shown; and (v) the magistrate must consider the cause and record a reasoned opinion that it is unjustified. These guidelines represent the most systematic judicial attempt to structure Section 250 proceedings, though they remain non-binding beyond the Lahore High Court's jurisdiction.

4. Dissection of Section 250: Procedural Requirements

4.1 Step One: The Acquittal Order

Section 250 requires strict compliance with both sub-sections (1) and (2). The first procedural requirement is that the magistrate must record in the acquittal judgment a definite finding that the accusation was "false and either frivolous or vexatious." This requirement has generated conflicting judicial interpretations.

The Calcutta High Court in *Fakir Das Dutt v. Gaya Dhar Jana* (AIR 1957 Cal 225) held that recording an opinion in the main judgment itself was insufficient compliance. This view was echoed by the Indian judiciary in *Kailash Chandra v. Laxminarayan* (1966 Cri.LJ 1482). However, the Patna High Court in *Ramsagar Singh v. Chandrika Singh* (AIR 1961 Pat 364) held that a "definite finding" in the order of acquittal or discharge was mandatory.

This article contends that the Patna High Court's position better serves the objectives of Section 250. Express findings in the acquittal judgment serve multiple purposes: (a) they provide clarity to the acquitted accused regarding the basis of acquittal; (b) they enable the complainant to challenge the acquittal through appeal; and (c) they establish the necessary foundation for subsequent compensation proceedings. If the acquittal is reversed on appeal, any compensation order automatically becomes void.

Furthermore, if the main judgment omits any finding regarding the falsity, frivolity, or vexatious nature of the accusation, Section 250 cannot be subsequently invoked (*Muhammad Yasin v. The State*, PLD 1969 Lahore 648). The judgment must contain clear terminology—"false and vexatious" or "false and frivolous"—though the Patna High Court has held that mentioning only "false" does not invalidate

subsequent proceedings (*Ramsagar Singh v. Chandrika Singh*, AIR 1961 Pat 364).

4.2 Step Two: The Show-Cause Notice

Upon recording the requisite finding, the magistrate must issue a written show-cause notice to the complainant or informant. The notice must: (a) specifically cite Section 250(1) Cr.P.C. as the enabling provision; (b) reference the acquittal judgment by title and case number; (c) summarize the findings regarding the false, frivolous, or vexatious nature of the accusation; and (d) call upon the complainant to demonstrate why compensation should not be awarded.

The notice must be in written form; oral direction is insufficient (*Rab Nawaz v. Mubri Khan*, 2019 PCr.LJ 894). The proceedings must be conducted in a separate file, as the language of Section 250 "contemplates separate proceedings" (*Muhammad Yasin v. The State*, PLD 1969 Lahore 648).

4.3 Step Three: Consideration of Reply

The complainant's reply must be recorded and considered. The magistrate cannot reopen the main trial or reconsider the acquittal. The purpose of the reply procedure is to obtain "any plausible explanation" (*Govindan Prabhakaran v. Sukumaran Nair*, 1979 Cri.LJ 1886) that might demonstrate the complainant's lack of knowledge regarding the falsity of the accusation or existence of reasonable grounds for the complaint.

If the magistrate is satisfied that the complaint was made under misapprehension or based on information from another person, the complainant may be exonerated. However, the magistrate must provide reasoned findings; merely stating that the reply is "not satisfactory" renders the order *ex facie* illegal (*Kailash Chandra v. Laxminarayan*, 1966 Cri.LJ 1482).

4.4 Step Four: The Compensation Order

The final order must be a "speaking order" containing proper reasoning. It must specify: (a) the amount of compensation (not exceeding the statutory limit); (b) the reasons for determining the

specific amount; (c) a clear finding that the accusation was false and either frivolous or vexatious; and (d) consideration of the complainant's reply and reasons for rejecting it. The order must direct "payment of compensation," not impose a "fine" (Municipal Committee v. The State, 1971 PCr.LJ 994).

5. Determination of "Complainant" and "Informant"

5.1 The Real Complainant Doctrine

Section 250 permits action against "the person upon whose complaint or information the accusation was made." Pakistani and Indian courts have consistently held that compensation can only be directed against the person actually responsible for initiating proceedings, not against intermediaries who merely conveyed information (Abdul Quddus v. Hiran Bala Nandi, PLD 1963 Dacca 747; Ramsagar Singh v. Chandrika Singh, AIR 1961 Pat 364).

The person who "actually alleges the commission of offence and professed to have seen it" constitutes the real complainant (Ramsagar Singh v. Chandrika Singh, AIR 1961 Pat 364). This limitation prevents undue extension of liability while ensuring accountability for false accusations.

5.2 Police Officers as Potential Respondents

The application of Section 250 to police officers presents complex jurisdictional questions. Indian courts have generally exempted police officers from Section 250 liability in cognizable offences, reasoning that: (a) police information does not constitute a "complaint" as defined in Section 4(h) Cr.P.C.; (b) police reports under Sections 157, 168, and 170 are distinct from "information" under Section 250; and (c) fear of compensation liability might deter police from reporting cognizable offences (Mohamad Meera v. Dattatraya Babji, 1946 48 Bom. LR 548; Krishnan Moopan v. State of Kerala, 2005 (2) KLT 700).

However, this exemption applies strictly to cognizable offences investigated under the standard police procedure. When police officers file complaints without magisterial permission under Section 4(h), such

complaints fall within the definition of "complaint," potentially exposing police officers to Section 250 liability (Public Prosecutor v. A.V. Ramiah, 1958 Cri.LJ 737).

This article argues that the blanket exemption for police officers requires reconsideration. While genuine law enforcement activity warrants protection, police officers who deliberately file false accusations—particularly in narcotics cases, where abuse has been documented (Human Rights Watch, 2016)—should not remain entirely immune. The balance between encouraging police reporting and preventing abuse requires careful calibration.

A proposed proviso might provide: "Notwithstanding any judgment of a court of law, any police officer directed to pay compensation under Section 250 shall not thereby be rendered incompetent as a witness, nor shall his deposition in any other case be viewed with suspicion solely by reason of such compensation order."

6. Constitutional and Policy Dimensions

6.1 Constitutional Foundations of Compensation for False Criminal Accusations

The Constitution of the Islamic Republic of Pakistan, 1973 embodies the fundamental values of the rule of law, due process, equality before the law, and the protection of individual liberty and human dignity. These constitutional principles require the State to ensure that the criminal justice system operates fairly and that no person is exposed to arbitrary, malicious, or abusive criminal proceedings without an effective legal remedy. Section 250 of the Code of Criminal Procedure, 1898 gives practical effect to these constitutional values. The constitutional importance of this protection was recognised by the in *Asif Ullah v. Government of Khyber Pakhtunkhwa* (Pesh. H.C. 2025), the Court observed that "false and fabricated prosecutions offend Articles 4, 9 and 10A of the Constitution of Pakistan."

6.2 Articles 4 and 9: Right to Be Treated in Accordance with Law and Security of Person

Article 4 guarantees every individual the right to be treated in accordance with law, while Article 9 provides that no person shall be deprived of life or liberty except in accordance with law. Read together, these provisions require criminal proceedings to be conducted fairly, lawfully, and without arbitrariness. A prosecution based on false, frivolous, or vexatious allegations amounts to an abuse of the criminal process.

Section 250 of the Code of Criminal Procedure, 1898 provides a statutory response to such abuse. Once the court concludes that an accusation is false and either frivolous or vexatious, an order awarding compensation serves a dual purpose. It provides redress to the person who has suffered an unwarranted prosecution and reinforces the constitutional requirement that the criminal process must be exercised fairly, responsibly, and strictly in accordance with law.

6.3 Article 10A and Procedural Fairness

Article 10A expressly guarantees the right to a fair trial and due process. This constitutional provision requires that a complainant be served with a show-cause notice before compensation is awarded under Section 250 of the Code of Criminal Procedure. The requirement reflects the principle of *audi alteram partem*—that no person should be condemned unheard.

The Magistrate is also under obligation to make a reasoned order to make it evident that the statutory conditions have been carefully examined as contemplated under Article 10A.

6.4 Article 25 and Unequal Statutory Treatment:

Article 25 guarantees equality before the law and equal protection of the law. This principle requires that both the

complainant and the accused receive fair and impartial treatment. Section 250 reflects this constitutional commitment by providing a remedy to both the accused and complainant of criminal case. The provision therefore seeks to maintain a fair balance between the rights of both parties while preserving the integrity of the administration of criminal justice.

However, the present statutory framework may, in certain cases, give rise to unequal treatment. Compensation under Section 250 is available where the trial is conducted by a Magistrate but not where the acquittal is recorded by a Sessions Court, even though the prosecution in both cases may have been false, frivolous, or vexatious. This distinction, based solely on the forum of trial, is difficult to reconcile with the guarantee of equality before the law under Article 25 of the Constitution. The restriction of Section 250 compensation powers to magistrates alone raises significant constitutional questions under Article 25 of the Constitution of Pakistan, 1973, which guarantees equality before the law and equal protection of the law. Accused persons acquitted by Sessions Judges or Additional Sessions Judges—who try more serious offences—have no statutory remedy for false, frivolous, or vexatious accusations, creating an anomalous distinction based on the forum of trial.

The Lahore High Court in *Sakhawat Ali v. The State* (2003 YLR 245) failed to resolve this issue definitively. This article contends that extending Section 250 powers to Sessions Courts and Additional Sessions Judges would harmonize the procedural framework with constitutional equality principles.

6.5 Policy Implications and Practical Consequences

The underutilization of Section 250 has significant policy consequences. First, deterrence failure: without effective compensation mechanisms, false accusers face no financial consequences, encouraging vexatious litigation. Second, backlog augmentation: frivolous cases contribute to Pakistan's significant judicial backlog, estimated at over 2 million pending cases (Law and

Justice Commission of Pakistan, 2023). Third, rights of acquitted accused: wrongfully accused persons suffer reputational, financial, and psychological harm without statutory recourse. Fourth, judicial resources: the diversion of magisterial resources to groundless prosecutions impairs the administration of justice in genuine cases.

7. Proposed Legislative Reforms

7.1 Substantive Amendments

Based on the foregoing analysis, this article proposes the following substantive amendments to Section 250 Cr.P.C.

1. **Adopt the Indian "Reasonable Ground" Standard:** Replace "false and either frivolous or vexatious" with "no reasonable ground for making the accusation," lowering the threshold for compensation while maintaining procedural safeguards.
2. **Extend to Sessions Courts:** Empower Sessions Judges and Additional Sessions Judges to award compensation, ensuring equality of remedy across all criminal courts.
3. **Increase Compensation Limits:** Raise the maximum compensation to reflect contemporary economic realities and enhance deterrence.
4. **Include Discharge Proceedings:** Extend the provision to cases where accused persons are discharged, not merely acquitted.

7.2 Procedural Amendments

The following procedural amendments are additionally proposed.

1. **Mandate Written Show-Cause Notices:** Codify the requirement for written notices with specific content requirements.
2. **Prescribe Reply Timeframes:** Establish clear deadlines for complainant replies to prevent indefinite delay.
3. **Require Speaking Orders:** Mandate reasoned orders with specific findings on each statutory element.
4. **Provide Appeal Mechanisms:** Create a limited right of appeal against compensation orders to balance the interests of complainants and accused persons.

8. Conclusion

Section 250 Cr.P.C. represents a potentially effective but significantly underutilized mechanism for compensating victims of false, frivolous, and vexatious criminal accusations. Pakistani courts have, over six decades, gradually developed procedural guidelines through case law, yet persistent deficiencies in application, interpretation, and legislative framework continue to impair its effectiveness.

The comparative experience of India, which substantially amended its analogous provision in 1973, demonstrates that legislative reform can enhance the provision's utility without compromising procedural fairness. The constitutional imperative of equality before law, combined with the practical necessity of deterring frivolous litigation, mandates urgent legislative attention to Section 250.

This article has provided a systematic analysis of the statutory framework, judicial interpretations, procedural requirements, and policy dimensions of Section 250. It is hoped that this contribution will assist judicial officers in correctly applying the provision, guide legislators in considering necessary amendments, and stimulate further academic research on this important but neglected aspect of Pakistani criminal procedure.

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