



RESEARCH CENTER HIGH COURT OF BALOCHISTAN

COURT: ALLAH MUHAMMAD, ADJ

SUBJECT: *Payment of Diyat*

DATE: QUERY RECEIVING DATE: 28TH MARCH 2026

QUERY RESPONDING DATE: 31ST MARCH 2026

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PROPOSED QUERY

Whether the registered owner of an offending Daewoo vehicle can be held liable for the payment of Diyat in a case where the FIR was initially lodged against an unknown driver, and the owner subsequently appeared before the Court only for the purpose of seeking Superdari of the vehicle under section 516-A Cr.P.C.?

The settled legal position emerging from precedents is that mere ownership of a vehicle does not automatically create criminal liability for payment of diyat, unless the prosecution proves that the owner was either the driver, the person responsible under vicarious criminal liability recognised by law, or otherwise legally connected with the commission of the offence in a manner attracting penal consequences.

In the cited case *2008 YLR 456, the Hon'ble Court* categorically held that criminal liability for Qatl-i-Khata under section 320 PPC attaches to the person who actually committed the act of rash and negligent driving, and not to the registered owner of the vehicle who neither participated in nor was present at the time of occurrence. The Court set aside the trial court's direction requiring the owner to pay diyat and compensation, observing that such liability could not be imposed merely on account of ownership of the vehicle. The relevant portion of the judgment reads:

"The appellant Imdad Ali, who is the owner of the vehicle in question, was neither present at the spot nor participated in the incident in any manner. The responsibility regarding the

present incident squarely lies on the driver... for any accident, the owner of the vehicle could not be blamed or held responsible for the act committed by the driver of his vehicle.”

The Court further clarified the statutory position under section 320 PPC in explicit terms:

“Plain reading of section 320, P.P.C., therefore, clearly indicates that whoever committed Qatl-i-Khata is responsible in addition to Diyat for imprisonment... Section 320 ibid, is therefore, completely silent to hold any other person than the person responsible for Qatl-i-Khata to be penalised in any manner, including directing him to pay the amount of Diyat or compensation.”

Accordingly, where the case is initially registered against an unknown driver, and the owner subsequently appears only to seek superdari of the vehicle, such an appearance does not create substantive criminal liability. In the absence of evidence establishing that the owner himself was the driver or otherwise legally responsible for the occurrence, he cannot be directed to pay diyat, as liability remains personal to the offender who caused death by rash or negligent driving.

Similarly, the judgment reported as **Ghauso Rehman v. State (2020 PCr.LJ Note 58)** reiterates that diyat is the punishment imposed upon the offender who commits Qatl-i-Khata, as reflected in the statutory framework itself:

“Whoever commits qatl-i-khata shall be liable to Diyat.”

Accordingly, where the FIR is registered against an unknown driver, and the owner later appears only to obtain custody of the vehicle on superdari, such an appearance does not render him liable for diyat. In the absence of proof that he himself was driving the vehicle or otherwise responsible for the occurrence, the owner cannot legally be directed to pay diyat, as liability remains personal to the actual offender.

The Court emphasized that criminal liability for homicide offences under the Pakistan Penal Code, particularly those attracting diyat under sections 320–331 PPC, rests upon the person whose act caused death, and not simply upon the registered owner of the vehicle. Where the FIR names an unknown driver, and the identity of the driver is never established through investigation or evidence, the owner’s subsequent appearance for the purpose of superdari under sections 516-A Cr.P.C. cannot be treated as an admission of responsibility for the occurrence. Superdari is merely a procedural arrangement for interim custody of property and does not create substantive liability. Therefore, directing the owner to pay diyat in such circumstances amounts to imposing punishment without proof of culpability, which is inconsistent with the principles of criminal jurisprudence and the constitutional guarantee of due process under Article 10-A of the Constitution.
