



## Unraveling the significance of the first information report (FIR) in criminal procedure

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### Abstract

The First Information Report (FIR) is a crucial element of the criminal justice system in many countries, including India, where it is governed by the Criminal Procedure Code (CrPC). It serves as the initial step in the process of investigation and prosecution of criminal offenses. Here, I will provide a critical analysis of the FIR in the context of the CrPC.

**Keywords:** First information report (FIR), criminal procedure code (CrPC), criminal procedure, zero FIR, victim, investigation, cognizable offense.

### Introduction

The FIR is the first documented account of an alleged crime, and it plays a pivotal role in the criminal justice system. It is the foundation upon which subsequent investigations and legal proceedings are built. Its significance cannot be understated, as it can influence the entire course of a case.

#### 1. Prone to Manipulation

One of the key criticisms of the FIR is that it is susceptible to manipulation or fabrication. In some cases, law enforcement officials or complainants may distort facts or provide false information in the FIR to settle personal scores or frame innocent individuals. This highlights the need for rigorous checks and balances.

#### 2. Bias and Discrimination

The FIR may be influenced by the biases and prejudices of the complainant or the police. This can result in cases where individuals from marginalized or vulnerable communities are unfairly targeted, leading to injustice. Stricter measures are needed to ensure impartiality in the registration of FIRs.

#### 3. Delay in Registering FIRs

In many cases, there is a significant delay in registering FIRs, which can hinder the investigation process. Delays can lead to loss of evidence, fading memories of witnesses, and difficulties in ascertaining the truth. Streamlining the process to minimize delays is essential.

#### 4. No Standard Format

There is no standard format for an FIR, which can lead to variations in the way information is recorded. This lack of uniformity can sometimes cause confusion and hinder the investigation.

#### 5. Need for Adequate Training

Police personnel responsible for recording FIRs need proper training to ensure that they understand the importance of accurate and unbiased reporting. This includes understanding the rights of the accused and the complainant.

#### 6. Role in False Cases

FIRs are often the basis for initiating criminal proceedings. False FIRs can ruin the lives of innocent individuals,

subjecting them to prolonged legal battles and social stigma. Therefore, mechanisms to deter false FIRs and to quickly identify and dismiss them are crucial.

### Access to FIRs

There is a debate about whether FIRs should be made accessible to the public or kept confidential. Transparency can help hold law enforcement accountable, but it should be balanced with privacy concerns, especially in sensitive cases.

In conclusion, while the FIR is a critical component of the criminal justice process, it is not without its flaws and challenges. A comprehensive review and reform of the FIR system may be necessary to address issues related to bias, manipulation, and delays while preserving its role as a crucial tool for crime reporting and investigation. Such reforms should prioritize accuracy, fairness, and accountability in the criminal justice system.

The First Information Report (FIR) is a significant and crucial document in the criminal justice system of many countries, including India. Its importance stems from several key aspects:

**1. Initiating Criminal Proceedings:** The FIR is the first step in initiating criminal proceedings. It serves as the formal complaint that alerts law enforcement agencies to the occurrence of a crime. Without an FIR, the police may not take action or investigate the alleged offense.

**2. Preserving Evidence:** The FIR contains details about the time, place, nature of the crime, and the people involved. This information is essential for preserving evidence, and it helps law enforcement officials begin their investigation promptly. Delay in filing an FIR can lead to the loss or deterioration of evidence.

**3. Legal Requirement:** In many legal systems, including India, filing an FIR is a legal requirement for reporting a criminal offense. Failure to do so can have legal consequences. This requirement ensures that crimes are reported to the authorities promptly, aiding in the maintenance of law and order.

**4. Foundation for Investigation:** The FIR provides a foundation for the investigation of the alleged crime. It guides law enforcement agencies in determining the

direction and scope of their investigation. The details in the FIR help investigators identify witnesses, collect evidence, and pursue leads.

**5. Protection of Rights:** The FIR often contains information about the victim, the accused, and potential witnesses. This information helps protect the rights of all parties involved. It ensures that the accused is informed of the charges against them, and it establishes a record of the complaint.

**6. Accountability:** The FIR is a public record that holds law enforcement agencies accountable. It creates a paper trail of actions taken by the police in response to a complaint. This accountability can help prevent police misconduct and ensure that investigations are conducted diligently and fairly.

**7. Basis for Legal Proceedings:** The FIR serves as the basis for legal proceedings. It is used to file charges, prosecute cases in court, and establish the prima facie case against the accused. Without a properly filed FIR, the prosecution's case may lack a strong foundation.

**8. Transparency and Public Trust:** The existence of an FIR and the transparency of the process help build public trust in the criminal justice system. When crimes are reported and investigated through a formal and documented process, it enhances the credibility of law enforcement agencies.

**9. Historical Record:** FIRs also serve as historical records of crimes and incidents. They are maintained in official records, which can be referred to in the future for various purposes, including statistical analysis, research, and reference in subsequent legal cases.

In summary, the First Information Report is significant because it initiates the process of criminal investigation, preserves evidence, ensures accountability, and upholds the rights of both victims and accused individuals. It is a foundational document that plays a pivotal role in the functioning of the criminal justice system, ensuring that crimes are reported, investigated, and prosecuted in a fair and transparent manner.

#### Who can file first information report (fir)?

In many countries, including India, the First Information Report (FIR) can be filed by any person who has knowledge of the commission of a cognizable offense. Here's a breakdown of who can file an FIR:

**1. Victim of the Offense:** The primary person who can file an FIR is the victim of the offense. If someone has been directly affected by a crime, they can report it to the police and file an FIR. For example, if someone is robbed, assaulted, or defrauded, they can file an FIR to report the incident.

**2. Witnesses:** Witnesses to a crime can also file an FIR. If someone has seen a crime being committed or has information about it, they can report it to the police and provide their statement. Witnesses play a crucial role in helping law enforcement agencies investigate and solve crimes.

**3. Any Person Aware of the Offense:** In addition to victims and witnesses, any person who becomes aware of the commission of a cognizable offense can file an FIR. This allows for the reporting of crimes even if the person reporting the offense is not directly involved or affected. For example, if someone learns about a crime through a third party or through media reports, they can still file an FIR.

**4. Legal Representatives:** In some cases, legal representatives or guardians can file an FIR on behalf of the victim, especially if the victim is a minor or incapacitated. For instance, a parent or guardian can file an FIR for a child who has been a victim of a crime.

#### Where and how can an FIR be filed?

It's important to note that the FIR is the initial complaint that sets the criminal justice process in motion. When filing an FIR, the person making the report should provide as much information as possible about the offense, including details about the time, place, and individuals involved. Additionally, in cases of serious crimes or emergencies, it is advisable to report the crime to the police as soon as possible to ensure a timely response.

However, it's worth mentioning that in some cases, such as non-cognizable offenses, the police may not register an FIR but instead provide a complaint or incident report for further action, such as initiating legal proceedings through a court complaint. The specific procedures and rules regarding the filing of FIRs can vary from one jurisdiction to another, so it's important to be aware of the local laws and regulations in your area.

The process for filing a First Information Report (FIR) can vary slightly depending on the jurisdiction and country, but I'll provide a general overview of how and where an FIR can typically be filed:

#### Where to file an FIR

**Police Station:** In most cases, an FIR is filed at the nearest police station to the location where the crime occurred. For example, if a crime took place in a particular area, you should visit or contact the police station responsible for that area. You do not have to file an FIR at the exact location where the crime occurred; the nearest police station will suffice.

#### How to File an FIR

**1. Visit the Police Station:** Go to the police station in person where you believe the crime occurred or where it falls under their jurisdiction. It's advisable to go as soon as possible after the incident to ensure timely action.

**2. Approach the Desk Officer:** When you arrive at the police station, approach the desk officer (also known as the duty officer or station house officer) who is usually at the front desk. Explain to them that you wish to file an FIR. Be prepared to provide details about the incident, including the date, time, location, and nature of the offense.

**3. Statement Recording:** The police will record your statement in writing. It's essential to provide accurate and complete information to the best of your knowledge. If you are a victim or witness, your statement will be taken. If you

are reporting on behalf of someone else (e.g., a minor), you may need to provide details about the victim.

**4. Receipt of FIR:** After recording your statement, the police will generate the FIR document, and you may receive a copy of it. The FIR should include a unique number and date of registration.

**5. Request a Copy:** It's advisable to request a copy of the FIR for your records. The FIR is an important document, and having a copy can be useful for legal purposes.

**6. Follow-Up:** Keep track of the investigation's progress and cooperate with the police as needed. You may be contacted for additional information or to testify in court if necessary.

**7. Legal Counsel:** If you are the accused in a case, it's crucial to consult with a lawyer as soon as possible to understand your rights and legal options.

It's essential to be truthful and accurate when providing information to the police while filing an FIR. Deliberately providing false information can have legal consequences. Additionally, if the police refuse to register an FIR for a cognizable offense without a valid reason, you can escalate the matter to higher-ranking police officers or, if necessary, approach the courts for appropriate legal remedies.

Keep in mind that the specific procedures and requirements for filing an FIR may vary by jurisdiction and country, so it's a good idea to familiarize yourself with local laws and regulations.

### Zero FIR

A "Zero FIR" is a term used in the context of the Indian criminal justice system. It refers to a First Information Report (FIR) that is registered by the police for a cognizable offense, even if the crime did not occur within their jurisdiction. The concept of Zero FIR was introduced to ensure that crimes are promptly and accurately reported and that the initial investigative steps are taken without delay, regardless of where the crime occurred.

### Key features of a Zero FIR

**1. Any Police Station:** A Zero FIR can be filed at any police station, irrespective of where the offense took place. This allows the complainant or the person reporting the crime to initiate the legal process promptly without the need to determine the jurisdiction of the police station.

**2. Transfer to Appropriate Jurisdiction:** Once the Zero FIR is filed, it is the responsibility of the police station that initially registered the FIR to investigate the case preliminarily. Subsequently, the FIR can be transferred to the police station under whose jurisdiction the crime occurred for further investigation.

**3. Recording of Details:** The Zero FIR should contain all the necessary details related to the crime, including the date, time, place, nature of the offense, and the names of the

individuals involved or suspected. This information helps ensure that the investigation can begin without delay.

**4. Legal Requirement:** Zero FIRs are a legal requirement, and police personnel are obligated to register such FIRs when they receive information about a cognizable offense, regardless of jurisdictional issues.

**5. Prevention of Delay:** The concept of Zero FIR aims to prevent unnecessary delays in the registration of FIRs and the commencement of investigations. It is particularly important in cases where time is a critical factor, such as cases of sexual assault, abduction, or other serious crimes.

**6. Accessibility:** The complainant or the person reporting the crime should be provided with a copy of the Zero FIR. This document is crucial for maintaining a record of the initial complaint and serves as proof of reporting the crime.

**7. Transfer of Investigation:** Once the FIR is transferred to the appropriate police station, the investigation continues under the jurisdiction where the offense occurred. The police station receiving the transferred FIR then becomes responsible for conducting a thorough investigation and taking further legal action as necessary.

The concept of Zero FIR is significant because it ensures that crimes are reported and initial investigations are initiated without delay, even if there are jurisdictional issues or uncertainties. This approach is especially important in cases where immediate action is required to protect the rights and safety of victims, collect evidence, and prevent the escape of suspects.

### What is the object behind filing an FIR?

The primary objective behind filing a First Information Report (FIR) is to report the occurrence of a cognizable offense to law enforcement authorities and set in motion the criminal justice process. The key purposes and objectives of filing an FIR include:

**1. Report a Crime:** The fundamental purpose of an FIR is to report a crime or offense to the police. It serves as the official complaint to bring the crime to the attention of law enforcement authorities.

**2. Initiate Investigation:** Filing an FIR initiates the process of investigation by the police. Once an FIR is registered, law enforcement agencies are duty-bound to investigate the matter and take appropriate legal action.

**3. Preserve Evidence:** The FIR provides a record of the initial details of the offense, such as the date, time, place, and circumstances. This information is crucial for preserving evidence and conducting a thorough investigation.

**4. Protect Victims' Rights:** For victims of crimes, filing an FIR is a means of seeking justice and protection of their rights. It allows them to officially report the crime and become a part of the legal process.

**5. Identify and Apprehend Suspects:** The information provided in the FIR helps law enforcement agencies identify

and apprehend suspects involved in the crime. It can lead to the arrest of individuals responsible for the offense.

**6. Maintain Law and Order:** By reporting crimes through FIRs, the criminal justice system can maintain law and order in society. Crimes are documented and investigated, which helps deter criminal activities.

**7. Establish a Legal Record:** The FIR serves as a legal record of the initial complaint. It establishes the date and time of reporting, which can be important for legal proceedings and determining the statute of limitations.

**8. Ensure Accountability:** The existence of an FIR and the subsequent investigation hold law enforcement agencies accountable for their actions. It ensures that they respond to and investigate reported crimes in a timely and appropriate manner.

**9. Provide Legal Basis for Prosecution:** The FIR forms the basis for the prosecution of the accused individuals. It helps in framing charges, preparing the case, and presenting evidence in court.

**10. Enable Victims' Access to Legal Remedies:** Filing an FIR is a necessary step for victims to access legal remedies and seek compensation or redress for the harm they have suffered.

**11. Promote Transparency:** The FIR process promotes transparency and accountability in the criminal justice system by documenting the initial stages of a criminal case.

In summary, the primary object behind filing an FIR is to report a crime, trigger an investigation, preserve evidence, protect victims' rights, and ensure that the criminal justice system functions effectively and fairly. It is a crucial step in the legal process that helps maintain law and order, hold wrongdoers accountable, and provide justice to victims.

### Contents and essentials of an FIR

A First Information Report (FIR) is a crucial document that initiates the criminal justice process and serves as the formal complaint of a cognizable offense. The contents and essentials of an FIR typically include the following information:

**1. Name and Address of the Complainant:** The FIR should start with the name, address, and contact details of the person filing the complaint. This is the individual reporting the alleged crime.

**2. Date and Time of the Incident:** It is essential to specify the exact date and time when the alleged offense occurred or when it came to the complainant's knowledge.

**3. Location of the Incident:** Provide detailed information about the place where the incident took place, including the address, landmarks, or any other relevant information to help pinpoint the location.

**4. Details of the Offense:** Describe the nature of the offense in detail. Include information about what happened, how it happened, and any specific circumstances surrounding the offense.

**5. Names and Descriptions of the Accused:** If the complainant knows the identity of the person or persons responsible for the offense, their names, addresses, physical descriptions, and any other identifying details should be included.

**6. Details of Witnesses:** If there were any witnesses to the crime, their names, addresses, and contact information should be provided. Witnesses can play a crucial role in the investigation.

**7. Property Description:** If the offense involves theft, robbery, or damage to property, provide a detailed description of the stolen or damaged items, including their estimated value.

**8. Injuries and Medical Reports:** In cases involving physical harm or injuries, include information about the injuries sustained, along with any available medical reports or documentation.

**9. Motive (if known):** If the complainant knows the motive behind the offense, it should be mentioned in the FIR.

**10. Complainant's Statement:** The complainant should provide a statement describing their account of the incident. This statement should be as detailed and accurate as possible.

**11. Signature of the Complainant:** The FIR should be signed by the complainant. If the complainant is illiterate, they can affix their thumb impression in the presence of a witness.

**12. FIR Number and Date:** Once the FIR is registered, it should be assigned a unique FIR number and stamped with the date and time of registration.

**13. Police Station and Jurisdiction:** Mention the name of the police station where the FIR is being registered. This is important for jurisdictional purposes.

**14. Name of the Police Officer Registering the FIR:** The name of the police officer responsible for registering the FIR should be mentioned.

**15. Section of Law:** Specify the relevant sections of the law under which the offense falls. This is essential for determining the legal basis of the complaint.

**16. Any Additional Information:** Include any additional information or documents that are relevant to the case. This might include photographs, video footage, or other evidence.

It's crucial to provide accurate and truthful information when filing an FIR, as false or misleading information can have legal consequences. The FIR serves as the foundation for the subsequent investigation and legal proceedings, so it should be as comprehensive and detailed as possible to assist law enforcement agencies in their work.



### Evidentiary value and its admissibility of FIR

The evidentiary value and admissibility of a First Information Report (FIR) can vary depending on the legal system and jurisdiction. In many countries, including India, an FIR is considered an important piece of evidence in criminal proceedings. However, there are specific considerations regarding its admissibility and evidentiary value:

#### Evidentiary Value

**1. Substantive Evidence:** In some legal systems, an FIR can be used as substantive evidence in a criminal trial. This means that it can be considered as proof of the facts stated in the FIR itself. The statements made by the complainant in the FIR can be used to establish the initial version of events and the charges against the accused.

**2. Corroboration:** While an FIR can be substantive evidence, it is not always sufficient on its own to secure a conviction. Courts often require corroboration with other evidence, such as witness testimonies, medical reports, forensic evidence, and more. The FIR is typically considered in conjunction with other evidence to build a complete case.

**3. Impeachment of Credibility:** In some cases, an FIR may be used to impeach the credibility of the complainant or other witnesses. If there are inconsistencies or contradictions between the FIR and later statements made by the complainant or witnesses, defense counsel may use these discrepancies to challenge the credibility of the prosecution's case.

#### Admissibility

**1. Generally Admissible:** In most jurisdictions, an FIR is admissible in court as evidence. It is considered an official document prepared by law enforcement agencies and is admissible under relevant laws and rules of evidence.

**2. Hearsay Rule:** An FIR can sometimes contain hearsay information, which is generally inadmissible in court. However, many legal systems have exceptions to the hearsay rule that allow statements made to law enforcement officers in the course of their duties to be admitted as evidence. The rationale is that such statements are considered reliable.

**3. Res Gestae:** Statements made in the FIR may be considered part of the "res gestae" or the "transaction in question" and, therefore, admissible as an exception to the hearsay rule. This is particularly relevant when the statements in the FIR are contemporaneous with the events being reported.

**4. Cross-Examination:** The accused or the defense has the right to cross-examine the person who filed the FIR and any other witnesses who may have been mentioned in the FIR. This allows the defense to challenge the accuracy and credibility of the statements made in the FIR.

In summary, while an FIR is an important document in criminal proceedings, its evidentiary value and admissibility depend on various factors, including the jurisdiction's laws and rules of evidence. It can be used as substantive evidence

to establish the initial version of events but may require corroboration and can be subject to cross-examination and impeachment. Legal practitioners and judges play a crucial role in determining the weight and credibility of an FIR in a specific case.

### Quashing of an FIR

The quashing of a First Information Report (FIR) is a legal remedy that can be sought under certain circumstances. Quashing means that the court declares the FIR null and void, effectively ending the criminal proceedings related to that FIR. However, the court will only quash an FIR under specific circumstances, and the decision is typically based on legal merits and grounds recognized by the law. Here are some common grounds on which an FIR can be quashed:

- 1. Lack of Cognizable Offense:** If the FIR does not disclose the commission of a cognizable offense, the court may quash it. In other words, if the allegations in the FIR, even if assumed to be true, do not constitute a criminal offense, it can be quashed.
- 2. False or Frivolous FIR:** When it can be established that the FIR was filed with malafide intent or with the purpose of settling personal scores or harassment, the court may consider quashing it.
- 3. Settlement Between Parties:** In some cases, if the parties involved in the dispute reach a settlement, and the victim or complainant wishes to withdraw the complaint, the court may quash the FIR. However, the court may consider the nature of the offense and the interests of justice before doing so.
- 4. Lack of Jurisdiction:** If the FIR was filed in a court or jurisdiction that does not have the authority to hear the case, it may be quashed.
- 5. Abuse of Process of Law:** When it can be demonstrated that the FIR was filed solely to abuse the process of law or to cause harassment to the accused, the court may quash it.
- 6. No Prima Facie Case:** If, after reviewing the FIR and the materials on record, the court finds that there is no prima facie case against the accused, it may quash the FIR.
- 7. Compromise in Non-Compoundable Offenses:** In some cases where the offense is non-compoundable (i.e., not legally allowed to be settled through a compromise), if the parties still reach a settlement, the court may quash the FIR if it believes that it would be in the interest of justice to do so.
- 8. Violation of Fundamental Rights:** If the FIR or the investigation itself violates the fundamental rights of the accused, such as the right to a fair trial or the right against self-incrimination, the court may consider quashing it.

It's important to note that the decision to quash an FIR is at the discretion of the court, and it will carefully consider the facts and circumstances of each case. Quashing is not an automatic process, and the accused or the person seeking the

quashing will typically need to approach the appropriate court with a petition outlining the grounds for seeking the quashing of the FIR. Legal advice and representation by a qualified lawyer are essential when pursuing such remedies in a court of law.

### **Difference between a complaint and an FIR**

Complaint and First Information Report (FIR) are two distinct legal documents used in the criminal justice system to report crimes or offenses. They serve different purposes and have different characteristics:

#### **Complaint**

**Nature:** A complaint is a formal written statement submitted by a complainant (usually the victim) to the police or a magistrate, reporting the occurrence of a cognizable or non-cognizable offense.

1. **Source:** Complaints can be filed by any person who has knowledge of a crime, including the victim, a witness, or a third party.
2. **Registration:** A complaint is generally submitted to the police station or magistrate's court, depending on the nature of the offense. It is typically filed with a request for the initiation of legal proceedings against the accused.
3. **Format:** The format of a complaint may vary but is generally less formal than an FIR. It may be a written letter or statement.
4. **Investigation:** A complaint may or may not lead to immediate investigation or action by the police, depending on the nature and seriousness of the offense and the discretion of the authorities.

#### **First Information Report (FIR)**

1. **Nature:** An FIR is a formal document prepared and registered by the police upon receiving information about the commission of a cognizable offense.
2. **Source:** An FIR is typically filed by the person who witnessed or has knowledge of the crime. It is usually lodged with the police.
3. **Registration:** An FIR is registered only by the police. It is the official starting point of a criminal investigation, and it sets the process in motion.
4. **Format:** The format of an FIR is standardized and formal. It includes specific details about the offense, such as the date, time, place, nature of the offense, names of the accused and witnesses, and other relevant information.
5. **Investigation:** An FIR triggers an immediate investigation by the police. It is a crucial document in the criminal justice process and serves as the basis for further action, including arrest, charges, and prosecution.

In summary, the primary differences between a complaint and an FIR lie in their nature, source, registration, format, and the role they play in the criminal justice system. A complaint is a more general report of a crime, which can be filed by various individuals and may or may not lead to immediate action. An FIR, on the other hand, is a formal document registered by the police upon receiving information about a cognizable offense. It is the starting point of a criminal investigation and plays a critical role in the legal process.

### **Section 154 of the code of criminal procedure, 1973**

Section 154 of the Code of Criminal Procedure, 1973 (CrPC) pertains to the registration of a First Information Report (FIR). The FIR is a crucial document that initiates the criminal investigation process. Section 154 outlines the procedure for registering an FIR. Here is the text of Section 154 of the CrPC:

#### **Information in cognizable cases.**

1. 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 by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf.
2. A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant.
3. Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in subsection (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence.

Explanation: An information given under sub-section (1) [to the police officer] is commonly known as the First Information Report (FIR).

### **Here are the key points and procedures outlined in Section 154 of the CrPC**

1. **Oral or Written Information:** Any person who has information about the commission of a cognizable offense can provide that information orally or in writing to the officer in charge of a police station.
2. **Recording and Signature:** The officer is required to reduce the information to writing or direct someone else to do so. The information should be read over to the informant, and the informant should sign it.

3. **Entry in Police Station Record:** The substance of the information is then entered into a book maintained by the police station in a prescribed form.
4. **Copy to Informant:** A copy of the information, as recorded, must be provided to the informant free of cost.
5. **Refusal to Register FIR:** If the officer in charge of the police station refuses to register the information as an FIR, the person aggrieved by the refusal can send the information in writing by post to the Superintendent of Police. If the Superintendent of Police is satisfied that the information discloses the commission of a cognizable offence, an investigation will be initiated.
6. **Explanation:** The information provided under this section is commonly known as the First Information Report (FIR).

This section of the CrPC is crucial for ensuring that information about cognizable offenses is promptly reported to the police and that the necessary legal process is set in motion. It helps establish the foundation for criminal investigations and subsequent legal proceedings.

#### Case laws with regards to and FIR

1. In the case of, *Peral Beverage Ltd., New Delhi v. State of A.P.*<sup>10</sup> it was held that, "There is a clear cut distinction between the information relating to the commission of a cognizable offence given orally or in writing to an officer-in-charge of a police station and cognizance of offence by a Magistrate, upon receiving a complaint of facts which constitutes offence. Such taking of cognizance may be upon a police report of such facts or upon information received from any person other than a police officer. The information relating to the commission of a cognizable offence is bound to be entered by an officer-in-charge of the police station in the prescribed book. Such reports are called first information reports. Person lodging such information relating to commission of a cognizable offence is an informant."
2. In *Satvinder Kaur v. State (Govt of NCT of Delhi)*<sup>11</sup> the court was of the opinion that, "it was held that "1. At the stage of investigation, there is no question of interference under Section 482, CrPC, on the ground that the Investigating Officer has no territorial jurisdiction. 2. S.H.O., has statutory authority U/S. 156, CrPC, to investigate any Cognizable offence for which an FIR is lodged. 3. After investigation is over, if the Investigating Officer arrives at the conclusion that cause of action for lodging FIR has not arisen within his territorial jurisdiction, then he is required to submit a report U/S. 170 CrPC and to forward the case to the Magistrate empowered to take cognizance of offence.
3. The court opined in the case of, *Lachhu Munda v. State of Bihar*<sup>12</sup> that, "A confessional FIR cannot be taken as a whole. In some cases earlier it had been held that even if an FIR consisted of some confessional and non-confessional parts, the nonconfessional parts would be separated from the confessional part and exhibited on behalf of the prosecution."

4. In *Shindey v. State of U.P.*<sup>13</sup> The court observed, "held that the first information report is a public document and the accused is entitled to have its certified copy either from the police authorities or from in court where it is lying, if the accused files an application and is prepared to pay the proper court fee. Further, the accused is entitled to know what was said in the FIR to connect him with the offence, so that he may be in a position to protect his interest, is therefore entitled to a copy thereof."

#### Guidelines laid down by the Supreme court for the recording of an FIR

In *Lalita Kumari v. Govt. of U.P.*<sup>16</sup>, "A Constitution Bench of the Supreme Court held that registration of First Information Report is mandatory under Section 154 of the Code of Criminal Procedure, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not. The Supreme Court issued the following Guidelines regarding the registration of FIR.

The Supreme Court of India has laid down several guidelines and principles for the recording of a First Information Report (FIR). These guidelines are intended to ensure fairness, accuracy, and adherence to the law during the registration of FIRs. While these guidelines may not be exhaustive, they provide important directions to law enforcement agencies and officials. Some of the key guidelines and principles laid down by the Supreme Court include:

1. **Duty to Register FIR:** The Supreme Court has emphasized that it is the duty of the police to register an FIR when they receive information about the commission of a cognizable offence. The police should not refuse to register an FIR without valid reasons.
2. **Oral and Written FIRs:** The Supreme Court recognizes that FIRs can be filed orally or in writing. In cases where the information is given orally, it should be reduced to writing by the police officer, read over to the informant, and signed by the informant.
3. **Recording of Details:** FIRs should contain detailed information about the offense, including the date, time, place, nature of the offense, and the names of the accused and witnesses, to the extent known.
4. **No Delay in Registering FIR:** FIRs should be registered promptly, especially in cases of serious offenses. Delay in registration can hinder the investigation process and affect the credibility of the FIR.
5. **No Improper Refusal:** The police should not refuse to register an FIR on improper grounds or for frivolous reasons. If they have doubts about the veracity of the information, they should still register the FIR and conduct an investigation to verify the facts.

6. **No Mediation or Compromise:** The police should not mediate or attempt to negotiate a compromise between the parties involved in the case at the stage of registering the FIR. This is particularly relevant in cases of offenses against vulnerable individuals.
7. **Recording of Statements:** The FIR should include the statements of the complainant, the accused (if available), and witnesses, to the extent possible. The statements should be recorded accurately.
8. **Non-Interference in the Investigation:** The Supreme Court has emphasized that the judiciary should not interfere in the investigation process or direct the police on how to conduct the investigation. The police should be given autonomy in their investigative work.
9. **Proper Recording of Zero FIR:** The concept of Zero FIR, where an FIR is registered in one jurisdiction and later transferred to another, should be followed appropriately, especially in cases where jurisdictional issues may arise.
12. N. Sharma v. Bipen Kumar Tiwari, 1993 Cr. LJ. 859 (SC). Bofors Cases
13. Lalita Kumari v. Govt. of U.P, A.I.R. 1970 SC 786
14. W.P.(Crl) No; 68/2008
15. Ratanlal & Dhirajlal, "The Code of Criminal Procedure", (21st Edition, Pub. Lexis Nexis)
16. Hallu vs. State of M.P, 1974 AIR 1936
17. Prashant Bharti v. State of NCT of Delhi, (2013) 9 SCC 293
18. R P Kapur v. State of Punjab, 1960 AIR 862
19. P. Kunhumammed vs. the State of Kerala, 1981 CriLJ 356
20. Lallan Chaudhary v. State of Bihar, AIR 2006 SC 1322.

These guidelines and principles are essential for ensuring that FIRs are registered fairly, promptly, and accurately, and that the rights of both victims and accused individuals are protected. They help uphold the rule of law and ensure that the criminal justice system operates fairly and transparently.

## Conclusion

A First Information Report is a stepping-stone to set the Criminal Justice system. It can't be used as substantive evidence but is a supporting document to corroborate or contradict any statement but it should be the prime responsibility of the informant is to precisely cover every single detail without any harsh usage of words or any complication. AN FIR plays a significant role in criminal litigation and it becomes extremely important to record it duly without any delay and act upon it through investigation.

## References

1. Pappu Kumar v. State of Goa
2. Sarkar, "The Code of Criminal Procedure", (12th Edition, Pub. Lexis Nexis)
3. <https://www.thenewsminute.com/article/what-zero-fir-and-why-cops-cannot-cite-jurisdiction-and-refuse-complaints-113345>
4. Pandurang Chandrakant Mhatre v. State of Maharashtra, 1987 AIR 535, 1986 SCR (3)1004
5. Narinder Singh v. State of Punjab, (2014) 6 SCC 466
6. Satvinder Kaur v. State (Govt of NCT of Delhi), 2000, (2). ALD 32 A.P
7. Lachhu Munda v. State of Bihar, 1999 (4) RCR (Crl.) 503 (SC).
8. Shindey v. State of U.P, 1964(1) Crl. LJ 528 Patna.
9. Bathula Nagamalleswara Rao & ors. v. State Rep. by Public Prosecutor, 2008(2) CRIMES 188 (SC) at page 189
10. Lallan Chaudhary and Ors. v. State of Bihar and Ors, AIR 2006 SC 3376
10. Ramesh Kumari v. State (NCT of Delhi) and Ors, AIR 2006 SC 1322.
11. Union of India v. W.N. Chanda, 1998 Crl. L.J. 2879