

FACULTY OF JURIDICAL SCIENCES

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Lecture-21



FIR

A first information report (FIR) is a document prepared by police organisations in Indian subcontinent and Southeast Asian countries including Myanmar, India, Bangladesh and Pakistan when they receive information about the commission of a cognisable offence, or in Singapore when the police receive information about any criminal offence. It generally stems from a complaint lodged with the police by the victim of a cognisable offence or by someone on their behalf, but anyone can make such a report either orally or in writing to the police, so it is necessary to know about cognisable offences. These are serious criminal offences that pose an immediate danger to society such as murder, rape, or robbery.

For a non-cognisable offence an entry in a community service register or in the station diary is made.

Each FIR is important as it sets the process of criminal justice in motion. It is only after the FIR is registered in the police station that the police take up investigation of most types of cases. Anyone who knows about the commission of a cognisable offence, including police officers, can file an FIR.

As described in law:

- When information about the commission of a cognisable offence is given orally, the police must write it down.
- The complainant or supplier of the information has a right to demand that the information recorded by the police be read to them.
- Once the information has been recorded by the police, it must be signed by the person giving the information.
- The complainant can get a free copy of an FIR.
- An FIR includes the date, time, place, incident details, and a description of the person(s) involved.

What is a FIR?

First Information Report (FIR) is a written document prepared by the police when they receive information about the commission of a cognizable offence.

- It is a report of information that reaches the police first in point of time and that is why it is called the First Information Report.
- It is generally a complaint lodged with the police by the victim of a cognizable offence or by someone on his/her behalf. Anyone can report the commission of a cognizable offence either orally or in writing.
- The term FIR is not defined in the Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), 1973, or in any other law.

However, in police regulations or rules, information recorded under Section 154 of CrPC is known as First Information Report (FIR).

There are three important elements of an FIR:

- The information must relate to the commission of a cognizable offence,
- It should be given in writing or orally to the head of the police station,
- It must be written down and signed by the informant, and its key points should be recorded in a daily diary.

What happens after an FIR is filed?

The police will investigate the case and will collect evidence in the form of statements of witnesses or other scientific materials.

- They can arrest the alleged persons as per law.
- If there is sufficient evidence to corroborate the allegations of the complainant, then a charge sheet will be filed. Or else, a Final Report mentioning that no evidence was found will be filed in court.
- If it is found that no offence has been committed, a cancellation report will be filed.
- If no trace of the accused persons is found, an 'untraced' report will be filed.
- However, if the court does not agree with the investigation report, it can order further investigation.

What if the police refuse to register an FIR?

Under Section 154(3) CrPC, if any person is aggrieved by the refusal on the part of the officer in charge of a police station to register an FIR, she can send the complaint to the Superintendent of Police/DCP concerned.

Who, if satisfied that such information discloses the commission of a cognizable offence, will either investigate the case, or direct an investigation by a subordinate police officer.

If no FIR is registered, the aggrieved persons can file a complaint under Section 156(3) CrPC before a concerned court which, if satisfied that a cognizable offence is made out from the complaint, will direct the police to register an FIR and conduct an investigation.

What is a Zero FIR?

When a police station receives a complaint regarding an alleged offence that has been committed in the jurisdiction of another police station, it registers an FIR, and then transfers it to the concerned police station for further investigation.

This is called a Zero FIR.

No regular FIR number is given. After receiving the Zero FIR, the concerned police station registers a fresh FIR and starts the investigation.

What is Cognizable Offence & Non-cognizable Offence?

Cognizable Offence: A cognizable offence is one in which the police may arrest a person without warrant.

- They are authorised to start investigation into a cognizable case on their own and do not require any orders from the court to do so.
- **Non-cognizable Offence:** A non-cognizable offence is an offence in which a police officer has no authority to arrest without warrant.
- The police cannot investigate such an offence without the court's permission.

In case of non-cognizable offences, an FIR under Section 155 CrPC is registered.

- The complainant will be asked to approach a court for an order. The court may then direct the police to conduct an investigation on the complaint.

What is the difference between a complaint and an FIR?

- The CrPC defines a “complaint” as “any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence, but does not include a police report.”
- However, an FIR is the document that has been prepared by the police after verifying the facts of the complaint. The FIR may contain details of the crime and the alleged criminal.
- If, on the basis of a complaint, it appears that a cognizable offence has been committed, then an FIR under Section 154 CrPC will be registered, and police will open an investigation. If no offence is found, the police will close the inquiry.