

Procedures

First Information Report



A First Information Report (FIR) is an account of information received by the police about the commission of a cognizable offence reduced in written format.

A cognizable offence means a crime where the police officer can arrest the person against whom the complaint is filed without a warrant and investigation may be initiated without an order of the court. These are crimes that are generally serious in nature such as murder, rape, theft, kidnapping etc.

Who can register an FIR?

An FIR can be registered at the behest of:

The person
against whom
the crime
takes place

Any other
person on
their behalf

A third
party having
knowledge
of events

Objects & Use

An FIR sets the criminal justice procedure in motion.

It is only after an FIR is registered that the police commence investigation into the matter. An FIR also becomes important in a Court if the matter goes to trial to corroborate or contradict the complainant who may act as witness at the time of trial.



Essentials



It must be information relating to the commission of a cognizable offence.



It must be given to an officer-in-charge of a police station.



It should bear the signature of the complainant once reduced in written format.



It should be read over to the complainant.



The summary of the information received should be entered in the Station General Diary.

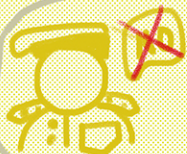


A copy should be given thereafter free of cost to the person registering the FIR.

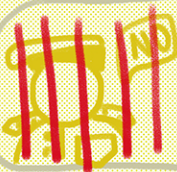
Refusal to file an FIR

CrPC

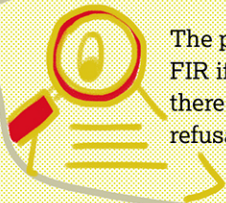
Section 154 of the Code of Criminal Procedure, 1973 ('CrPC') defines an FIR, the filing procedure and subsequent steps.



Refusal to register an FIR is against the law. A formal complaint can be made to the superintendent of police or to nearest judicial magistrate who will then direct the officer to register the FIR.



Section 166A of the Indian Penal Code provides punishment of rigorous imprisonment of 6 months in case of public servants not recording information in certain offences.



The police may refuse to investigate a case after registration of FIR if it is found that the case is not serious in nature or that there isn't enough ground to investigate. However, reasons for refusal have to be recorded. (Section 157, CrPC)

Best Practices:

DETAILED

An FIR should be as extensive in details as possible with clear narration of events as they happened with name of the accused and role attributed to them.



As long as it pertains to information regarding commission of a cognizable offence, it can also be a narration of events over the telephone later reduced to writing.

REGISTERING
THE FIR



AGGRIEVED
PERSON

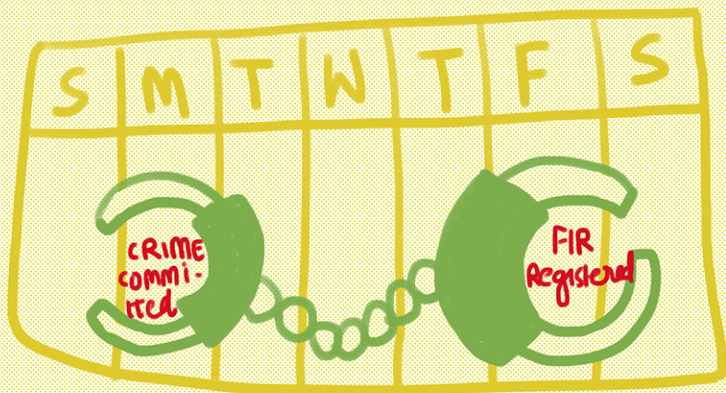
One should be clear regarding their relation to the alleged crime if it is not the aggrieved person themselves registering the FIR.



FAQs

1) What if there is a delay in lodging FIR?

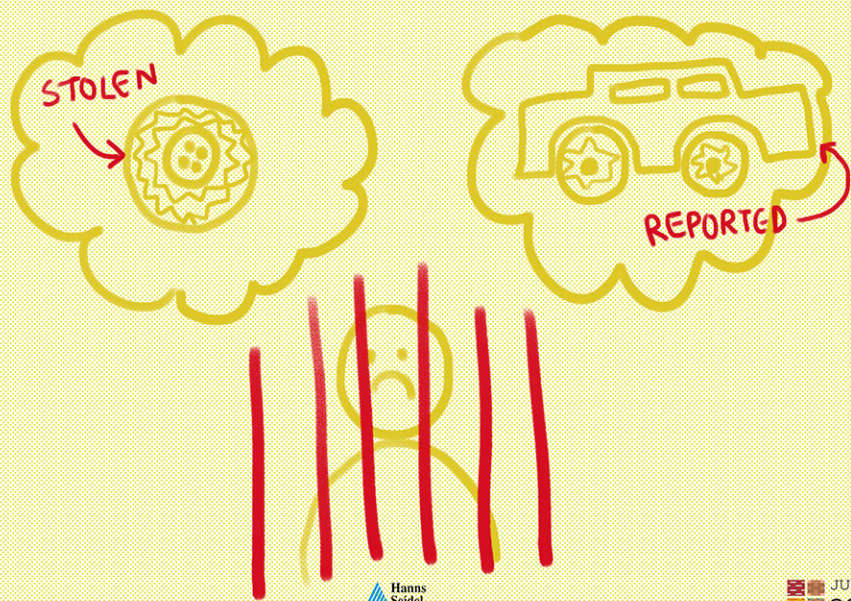
A) If there is a delay in filing the F.I.R. there exists the possibility of the suspicion that the case may be false. Thus the delay must be explained to the satisfaction of the authorities.



FAQs

2) What if you furnish false information?

A) Knowingly making a false statement to a public servant such as a police officer is a punishable offence under various provisions of the Indian Penal Code.



3) What is the difference between a Complaint and a FIR?

Complaint

1. It is made before a Magistrate and investigation can only be done by the police after direction of the magistrate.
2. Complaint can be of a cognizable or non-cognizable offence.
3. Only aggrieved person can submit a complaint.

FIR

1. It is made before the officer in charge of the police station concerned and investigation can commence immediately.
2. An FIR is lodged only in the case of cognizable offences.
3. Any person, who has knowledge of the occurrence of a cognizable offence can file a FIR.

FAQs

4) Can I withdraw a police complaint after FIR has been lodged?

A) The term 'quashing of FIR.' means to cancel or to end an FIR that has been registered. If you want to quash a FIR, you will have to file an application to the court specifying the reasons on the basis of which the FIR should be quashed. High Court may quash the FIR using its powers under Section 482 of the CrPC. The court may also reject the application or pass directions to the investigative agency.

