



# **FIRST INFORMATION REPORT**

**POLICE TRAINING SCHOOL  
PUDUCHERRY**

**FIRST INFORMATION REPORT**

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## **FOREWORD**

A handbook on the registration of the First Information Report (F.I.R.) with references to the relevant sections of Cr. P.C. is the first in the series of handbooks to be compiled by the Police Training School to help the personnel in discharging their duties professionally. All ranks of police need to have a thorough knowledge of law and procedures to be able to implement the same effectively in the interest of the citizens with whom they are constantly interacting. The task before each policeman is onerous and there is an imperative need to train them to be responsive to the present day requirements of law and society.

The registration of F.I.R. has been considered sacrosanct with truth. However, in changing times and with the emergence of a variety of economic offences, petitioners have tried to give false complaints so as to have their F.I.R.'s registered first. It is therefore, imperative for the investigating agency to bring out the truth during the course of investigation rather than to try to prove the F.I.R. correct.

I congratulate the Principal, PTS Thiru Vijayakumar for his efforts in bringing out this hand book and hope the hand books on duties of Head Constables and Police Constables, Guide to Investigation, etc, will be completed soon. The efforts of PTS will, in due course, reflect in the better performance of all ranks.

ALOK KUMAR VERMA

## **FIRST INFORMATION REPORT**

### **1. What is First Information Report ?**

Criminal law occupies a predominant place among the agencies of social control and is regarded as a formidable weapon that society has forged to protect itself against anti-social behavior. Criminal Procedure is an inseparable part of the crime and the effectiveness of the latter depends much upon the proper implementation of the former.

The criminal law has been described as one of the most faithful mirrors of the modern society reflecting the fundamental values on which the latter rests.

Broadly speaking, the investigation of an offence consists of—

1. Proceeding to the place of offence.
2. Ascertainment of the facts and circumstances of the case.
3. Discovery and arrest of the suspected offender.
4. Collection of evidence relating to the commission of the offence which may consist of—
  - (1) Examination of various persons (including the accused) and the reducing of their statements into writing if the Police Officer making the investigation think fit.
  - (2) Search of places or seizure of things considered necessary for the investigation or trial.
5. Formation of the opinion as to whether on the materials collected there is a case to place the accused before a Magistrate for trial, and if so

taking the necessary steps for the same by the filing of charge sheet (challan) under section 173 Cr.P.C. [Supreme Court in H.N. Rishbud V. State of Delhi Cr.L.J. 526 AIR 1955 S.C. (196)].

The Principal agency for carrying out investigation of offence is the Police, and the Police can proceed to investigate—

- (a) On the information received from any person as to the commission of any cognizable offence.
- (b) Even without any such information, but if they have reason to suspect the commission of any cognizable offence.
- (c) On receiving any order (to investigate) from any Judicial Magistrate empowered to take cognizance of any offence under section 190 Cr.P.C.

F.I.R. is the abbreviated form for “First Information Report”. The word F.I.R. has not been defined in the Cr.P.C. In fact it is the information relating to the commission of a cognizable offence that reaches the officer-in-charge of the Police Station first in point of time.

F.I.R. is a very valuable document. It is of utmost legal importance, both from the point of view of the prosecution and the defence. F.I.R. constitutes the “foundation” of the case in the first instance and whole of the case is built on it. If the foundation is weak, then the prosecution case will tumble down. If on the other hand, if it is strong it will endure the attacks of the accused and his counsel.

On receipt of such information, the S.H.O. of the Police Station is legally required to draw up a regular F.I.R. in a form prescribed by the State Government *vide* Section 154 Cr.P.C.

When any information disclosing a cognizable offence is laid before the officer-in-charge of Police Station, he has no option but to register the case on the basis thereof (State of Haryana Vs. Ch. Bhajan Lal AIR 1992 S.C. 604, 1992 Cr.L.J. 527).

**Sec. 154 Cr.P.C. reads :**

- (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, 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 above shall be given forthwith, free of cost to the informant.
- (3) Any person aggrieved by a refusal on the part of the officer-in-charge of a Police Station to record the information, 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 office shall have all the powers of an officer-in-charge of the Police Station in relation to that offence (see also, State of Haryana Vs

Bhajan Lal, AIR 1992 SC 604). On receipt of such information the officer-in-charge of a Police Station is legally required to draw up a regular F.I.R. in the form prescribed by the Government.

## **2. Essentials / Ingredients of F.I.R.**

First Information Report, or shortly F.I.R.; is as its name implies, the first report containing information about the commission of a cognizable offence which starts the Police on their investigation. It is a very important document in a Criminal case but it is not referred to as such in the Criminal Procedure Code. The important characteristic requirements of an F.I.R. are:

- (a) That the information should be the first in point of time;
- (b) It should be an information definite and responsible and not merely rumor or village gossip or hearsay of an indefinite variety;
- (c) It must have been given to an officer-in-charge of a Police Station.
- (d) It should relate to the commission of a cognizable offence.
- (e) It should be the information which set the Police on their investigation in the particular case.
- (f) It should be given in writing or should be reduced to writing.
- (g) It should have been read over to the person who made it and it should be signed by such person;
- (h) It should be entered in a book kept for the purpose.

The first five are substantive in nature while the latter three are procedural.

S.H.O. should keep in mind 11 Ws while recording F.I.R.

- (1) W – What information the complainant/informant wants to convey?
- (2) W – What is his capacity? Eye witness/victim/hearsay.
- (3) W – Who possibly committed the crime?
- (4) W – Whom against crime was committed? – (Victim of the Crime).
- (5) W – When (Time) did it occur?
- (6) W – Where (Place) did it occur?
- (7) W – Why (Motive of Crime)?
- (8) W – Which way? (Actual occurrence) – Description of the incident, the role played by each accused, weapon used, etc.
- (9) W – Witnesses (Who else was present there?)
- (10) W – What was taken away by the accused? (Any articles/property).
- (11) W – What traces were left by the accused? (Physical clues).

### **3. Evidentiary Value of F.I.R.**

First Information Report is a Document and has to be proved like any other document. If proved, according to law, F.I.R. forms part of the documentary evidence in a case. The First Information Report, however is not a substantive evidence in a case and can be used only to corroborate or contradict its maker.

The F.I.R. is filed by the informant while giving evidence. But it is not a substantive evidence like dying declaration, judicial confession etc. However, it can be used to corroborate the testimony of the person who had given it under section 157 Indian Evidence Act. The defence could also use it to contradict or impeach him (U/s 145 IEA) [Parameswaran V. Kerala 2004 (2) KLT SN 124].

F.I.R. being not substantive piece of evidence it can be used in the following ways—

- (1) For corroboration purposes *i.e.* to corroborate the statement of the maker thereof under section 157 Evidence Act, but not of any other witness. It was held by the Supreme Court, that F.I.R. can not be ignored altogether but can be used to corroborate the statement of the eye witnesses.  
Cases: Sankar 1975 S.C. Sagar Chandra 1962 Cal. 85  
see Abdul Ganj.
- (2) For contradicting the evidence of person giving the information in accordance with section 145 Evidence Act.
- (3) For proving as an admission against the informer under section 18/21 Evidence Act.
- (4) For refreshing informer's memory under section 159 Evidence Act.
- (5) For impeaching the credit of an informer under section 155 Evidence Act.
- (6) For proving informer's conduct under section 8 Evidence Act.
- (7) For establishing identity of accused, witnesses and for fixing spot and time as relevant facts under section 9 Evidence Act.
- (8) In certain cases an F.I.R. can be used under section 11 Evidence Act.

#### **4. F.I.R. as Substantive Piece of Evidence**

(a) Under section 32(l) of the Indian Evidence Act as during dying declaration when a person deposing about the immediate cause of his death had died.

(b) Under section 6 of the Indian Evidence Act as 'register' e.g. when the injuries are being caused in the presence of S.H.O. in PS and the injured makes a statement to the S.H.O. saying that accused was injuring him.

(c) Under section 160 of the Indian Evidence Act when the informer who has written the F.I.R. or read it, fails to recall memory of those facts but is sure that the facts were correctly represented in F.I.R. at the time he wrote it or read it.

#### **5. Importance of F.I.R.**

First Information Report is the Bible of the case initiated on Police report. The importance of the First Information Report cannot be under-estimated because it is the first version coming to the knowledge of the Police and setting its machinery to motion. It is for that reason that it has been provided under section 157 of the Code that the First Information Report should be sent forthwith to the concerned Magistrate. Provision of Law is to safeguard against any embellishment and concoction that may be subsequently made in the First Information Report. The value of F.I.R. is that it is the first report of an occurrence to the Police and as such it is entitled to the most careful consideration by the courts of law. Its importance lies in the facts that it is presumed to be an untutored, unplanned and thought out version of the incident just as it reaches the Police.

If the information is given orally, it should be recorded in plain and simple language as early as possible in the informer's own words. Technical or legal expression, high flown language or lengthy sentence should not be used. No oath should be administered to the informant, but the statement should be read over to him and he should sign it or affix his thumb-impression to it. The report should show that this has been done.

If it is received in writing, it should be signed by the complainant. The substance of the report be entered in General Diary Register also.

A copy of the F.I.R. as recorded shall be given forthwith to the complainant free of cost.

The most common practice of sending away a complainant who wishes to make an oral report to go and bring a written one should be strongly discouraged. The S.H.O. must be made to fulfill his responsibility in this regard.

Each F.I.R. should bear a consecutive number in the order of its arrival at the Police Station. This number runs for a year. Not more than four copies are prepared at a time normally. If express F.I.R.s have to be prepared, required number of copies can be prepared in Photostat process.

Great importance is attached to the F.I.R. by the courts for the following reasons:

- (1) It is usually the information given immediately after the occurrence when memory is fresh with no scope for fabrication on the part of the person giving it.

- (2) There is also no chance for interested persons to interfere in the matter and fabricate or concoct any stories.
- (3) It is the first record of the case made immediately after the occurrence and before the investigation starts.
- (4) It indicates the version of the given case at the very outset, occurrence and the material on which the investigation originally started. Chances of making mistakes are less.

## **6. What is Prompt F.I.R.?**

(1) A prompt F.I.R. largely eliminates the chances of embellishments in the prosecution story and of false implication of accused persons.

(2) Criminal courts attach great importance to the lodging of a prompt F.I.R. because the same greatly diminishes the chances of false implication of accused persons as well as that of the informant being tutored.

The prompt and early reporting of the occurrence to the Police with all required details gives an impression regarding truth of the prosecution version.

### **(a) Conspiracy Cases**

In conspiracy cases, definite information which justifies registration of case is fair after making some enquiries. So it is not on every information that some people are conspiring to do an illegal act that an F.I.R. should be registered. According to P.N. Rama Swami. J as held in Re. M. Rangarajulu 1958 Cr.L.J. 906. "A Policeman passes through three stages in conspiracy case; hears something of interest affecting the public security and which puts him on the alert; makes discreet enquiries, takes soundings and sets up informants and is in the second

stage of enquiry or look out and finally gathers sufficient information enabling him to hit upon something definite and that is the state when first information is recorded and then investigation starts. Hence a preliminary enquiry made by the C.I.D. Police into relative information floating about as to the existence of the conspiracy, the names and other details of the conspirators not being known at the time is not investigation carried out under section 156 Cr.P.C.”.

#### **(b) Corruption Cases**

In cases of corruption, not registered on traps laid, but on complaints, always a suitable preliminary enquiry into the allegation, is required. Such preliminary enquiries are relevant before the registration of case and are permissible under law. But as soon as it became clear to the enquiring officer that the public servant appeared to be guilty of severe misconduct, it was his duty to lodge F.I.R. and proceed further in the investigation according to Chapter XII Cr.P.C. Sirajuddin 1971 Cr.L.J. 523 (S.C.), 1964 (I) Cr.L.J. 140 (S.C.) State of U.P. Vs. Bhagwant. In V. Balurkar Vs. State of Maharashtra 1975 Cr.L.J. 517 (F.B.). The Bombay High Court treated the complaint sent to Anti Corruption Department as F.I.R. disclosing demand of bribe and payment to be made by complainant since Officer of Anti Corruption Department had been given powers of S.H.O.

#### **(c) Murder Cases**

In murder cases, following types of F.I.R.'s are recorded by Police.

- (i) When it contains direct evidence of murder on the basis of ocular evidence.
- (ii) When the Police registers the case minimizing the offence from murder to 307 or under section 364 I.P.C. to avoid its dispatch to Magistrate which otherwise is essential if case is really registered for murder. This is

invariably in those cases in which the informer is not sure of the culprits and preliminary enquiry is required by Police to find out the facts and to show that the case was registered promptly.

- (iii) When a dead body identified or unidentified is recovered, with cause of death which is clear and the injuries are apparent like neck is cut etc.
- (iv) When only inquest is held to discover the cause of death and the case is registered after the report of Medical Officer, or after the receipt of report of chemical examiner etc. with regard to poison given to the deceased. Only a report is recorded in Daily Diary at the first instance.
- (v) When the death is under suspicious circumstances and investigation is necessary which otherwise cannot be done without the registration of case. This is mainly in cases where dead body is not available, but the circumstances indicate that cognizable offence has occurred.

## **7. Who can Lodge F.I.R.?**

(1) Any person who is aware of the facts and circumstances of the offence can set the Law in motion. He need not necessarily be the victim or the injured or an eye witness.

(2) The person in possession of the hearsay evidence is required to subscribe his signature to it and mention the source of his information so that it does not amount to irresponsible rumour. The rule of law is, if general law is broken, any person has a right to complain whether he has suffered an injury or not.

Sometimes it so happens that accused after commission of crime goes to Police Station and lodges an F.I.R. The procedural legal provision as well as the provision of the Indian Evidence Act are mentioned as under—

- Section 162 Cr.P.C. does not hit such F.I.R.
- Section 25 of the Indian Evidence Act “No confession made to a Police Officer shall be proved as against a person accused of any offence may it be before or after investigation”.
- If the information is non-confessional, it is admissible against the accused as an admission under section 18/21 of the Indian Evidence Act and is relevant.
- For corroborating the statement of the maker under section 157 of the Indian Evidence Act.
- For contradiction of the evidence of person giving the information under section 145 of the Indian Evidence Act.
- For refreshing informer’s memory under section 159 of the Indian Evidence Act.
- For impeaching the credit of an informer under section 155 of the Indian Evidence Act.
- For providing the informer’s conduct under section 8 of the Indian Evidence Act.
- Under section 32(1) of Indian Evidence Act (Dying Declaration).
- Under section 6 Evidence Act when the injuries are being caused in the presence of S.H.O. in a Police Station.

- Under section 160 Evidence Act when the informer fails to recall his memory the facts, but he is sure the facts were correctly reported in the F.I.R. at the time he wrote it and read it.
- F.I.R. is a public document prepared under section 154 Cr.P.C. and a certified copy of it can be given in evidence under section 77 of Indian Evidence Act.
- The F.I.R. by an accused person cannot be treated as evidence against any co-accused, as it was lodged by the accused and not by a witness.

But if information is received that injured had been shot and had been removed to Hospital, it is sufficient for registration of case, as held, so in 52 Cr.L.J. 857 (1951) Mad. It was held further that the fact that information was meager and failed to indicate whether injured had been shot as a result of accident or the voluntary or wrongful act of some one else could not affect its character as F.I.R. This view also finds corroboration from 1922 Pat. 535. In this case a person had reported at P.S. that he had seen a woman with her head cut. The officer did not make a record of the fact but subsequently treated the information lodged by the father of the woman as F.I.R. It was held that unrecorded information was in fact an F.I.R. and that information given by father, not being F.I.R. could not be taken into consideration as it would be a statement during the investigation of case and as such inadmissible in evidence.

In State of Assam Vs. U.N. Raj Khowa 1975 Cr. L.J. 354, relating to murder of his wife and daughters, the Session Judge, in his D.O. Letter saying that enquiries be made regarding the death/ disappearance of these women was held to be vague and not treated as F.I.R. as it is hit by S. 162 Cr.P.C. In case of

Dulal Chandra Ghosh 1988 Cr.L.J. 1835, Police was informed that deceased had been murdered and it was apprehended that there may be an attack as a reprisal. On this information the Sub-Inspector went to spot and started investigation. He recorded statement of complainant, held inquest and got the case registered on it. Held that it could not be F.I.R. and was hit by S.162 Cr.P.C. as statement recorded during investigation.

The investigating officer had gone to the village of occurrence, where there was no electricity in the night, on the basis of some vague information of violence having broken out. There, he has categorically denied having questioned the witnesses or recorded their statements. The F.I.R. recorded in Police Station after reaching there is not hit by S. 162 Cr.P.C. (Pattad Amarappa 1989 S.C. 2004)

Where messages are transmitted between Police Officers *inter se*; it can be treated as F.I.R. if the object is to narrate the circumstance of the crime with a view to initiate investigation. [Jagdish 1992 Cr.L.J. 991 (MP)].

As such every case depends upon its own circumstances and the Police Officer should exercise his own judgment and diligence to test the information whether it is clear, definite and based upon tangible facts to disclose commission of cognizable or suspicion of commission of a cognizable offence.

- By S.H.O. on his own knowledge or information when a cognizable offence is committed. As an officer-in-charge he can register a case himself and is not bound to take down in writing any information.
- Under the order of Magistrate under section 156 (3) Cr.P.C. when a complaint is forwarded to officer-in-charge without taking cognizance [Kanak Singh Vs. Balabhadra Singh, 1988 Cr. L.J. 579 (Gujarat)]. If information

is only hearsay, then S.H.O. should register case only if person in possession of hearsay subscribes his signature to it and mentions the source of his information so that it does not amount to irresponsible rumor. The information must be definite, not vague, authentic, not baseless, gossip or rumor, clearly making out a cognizable case.

(3) The information is only by a Medical Certificate or Doctor's Memo about the arrival of injured, then he (S.H.O.) should enter it in daily diary and go to hospital for recording the detailed statement of injured.

#### **8. *Suo-Motto* Registration of F.I.R. under section 154 Cr.P.C.**

Following are some of the instances in which Police Officers have to prepare F.I.R.s on their own initiative and have to play the part of the complainant.

- (1) When they receive secret, anonymous, telegraphic and telephonic information about the commission of a cognizable offence.
- (2) When they get some direct knowledge about the commission of a cognizable offence.
- (3) When an occurrence of cognizable offence is exclusively detected by them.
- (4) When a cognizable offence is committed in their very presence.

#### **9. Report to be given to an Officer-in-charge of Police Station**

First Information Report is the report given to an officer-in-charge of a Police Station and is duty to reduced it, if it is an oral report, to writing or to get it reduce to writing under his

direction. Section 2 (O) of the Code of Criminal Procedure says that the term Officer-in-charge of a Police Station include when such officer is absent from the Station House or is unable to perform his duties, the officer next in rank to him above the rank of a constable or the constable, if the State Government so directs, present in the Police Station.

Officers posted in Out posts are not officers-in-charge of Police Station within the meaning of Section 154 Cr.P.C.

[Mangal Singh Vs. State of Rajasthan 1985 Cr.L.J. 602 (RAJ-DB)].

#### **10. How to Record F.I.R.?**

If the information is given orally, it should be recorded in plain and simple language as nearly as possible in the informant's own words. Technical or legal expressions, high-flown language or lengthy sentences should not be used. No oath should be administered to the informant but the statement should be read over to him and he should sign it or affix his thumb-impression to it. The report should show that this has been done.

- If it is received in writing, it need only be attached to that copy of the F.I.R. form which is to be sent to the court.
- The practice of sending away a complainant who wishes to make an oral report, to go and bring a written one should be strongly discouraged. The officer-in-charge must be made to fulfill his responsibility in this regard. Another common practice of HCs or ASIs temporally in-charge, deferring the registration of the case also be watched and discouraged.

- Various columns of the F.I.R. form should be filled-in and signed by the officer-in-charge. The narrative statement should be signed by the informant first and then by the officer recording it.
- Each report should bear a consecutive number in the order of its arrival at the Police Station. The report first received at the Police Station no matter when the crime occurred, after midnight on the morning of the first day of the year.
- Shall be numbered I. A reference to such a report should always be made in the station G.D.
- F.I.R. should be promptly recorded as any delay leads to suspicion and vitiates the F.I.R. Note the time at which recording of F.I.R. is done. If there is any delay in recording F.I.R. it should be explained.
- The promptness with which the F.I.R. is lodged justifies the inference that the report is not a concocted story (1946 Cr.L.J. 526). Delay is viewed with suspicion unless the explanation is plausible. The following are the usual reasons for delayed information.
  - (a) **Physical** : The informed may be sick or old or crippled or might be suffering from defective eye-sight.
  - (b) **Geographical** : The distance might be long, the roads may be bad and rocky through forests, unavoidable rivers etc.

- (c) **Seasonal** : There might be heavy rains or storm etc.
  - (d) **Psychological** : People may be ignorant about the need to report the matter to the Police.
  - (e) **Circumstantial** : Sometimes the offence might not have been noticed for several days and even if noticed people might not show any interest in the offence.
- 
- Accuracy is the watchword. F.I.R. is not an encyclopedia and hence it need not be detailed; but necessary particulars shall not be omitted.
  - Time of occurrence should be noted. If the villagers do not have clocks or watches, by tactful questioning the actual time may be arrived at. For example, the cock-crow hour, train passed that way etc.
  - Modus operandi should be elicited and mentioned in the F.I.R.
  - Neither minimize nor exaggerate the facts of the occurrence. Be faithful and truthful in recording them. Preparation of incorrect record is punishable under section 218 I.P.C.
  - Do not interpolate or insert anything such as time, date etc. after the F.I.R. has been written. A First Information Report is a most important document and often forms the basis of the case for the prosecution. Care should, therefore be taken to avoid all additions,

alterations etc. If unavoidable, they must always be initialed and dated. Such corrections, if any, must be made before the F.I.R. has been signed by the informant.

- Avoid scoring out what has been written in the F.I.R. In unavoidable circumstances a line should be drawn across the words to be scored out still keeping it legible and the officer recording the F.I.R. should initial it there.
- The writing size of letters, paragraphing etc., should be uniform throughout.
- Note the injuries found on the person of informant or witnesses and mention the same in F.I.R.
- Value of property should be mentioned correctly as per claim of the informant as stolen or destroyed. Do not lessen the value. The special identifying marks, if any, on any item or items of stolen property, together with their detailed description, value, etc. should be clearly noted. The complainant should be asked to furnish a full list of the stolen property. If he is unable to do so, the reason should be recorded.
- By tactful questioning, the identity of the accused, the type of weapon used, if any, language spoken etc. should be elicited and mentioned in the F.I.R. The circumstances of identification must be clearly brought out. The condition of the light, the line of visibility and the distance from which identification was made. The names of the suspects, if any or any accused recognized during the occurrence should be specified. If a particular person be suspected, the facts on which the suspicion

is based should be clearly set down. The informant should be required to distinguish between what he professes to know personally and what he heard.

- The names of the eye witnesses and those to whom the complainant or informant reported the names of the accused immediately after the occurrence should be obtained and recorded for purposes of corroboration. If no information is available in the F.I.R. on those points, the defence may characterize any subsequent information on the point as fabrication or afterthought.
- The informant need not have direct personal knowledge of the incident reported by him. When hearsay information definitely reveals the commission of a cognizable offence, the officer-in-charge should record it at once and not wait for the statement of the aggrieved person or any eye witness. Whether the informant has personal knowledge of the occurrence or only hearsay information about it should be clearly indicated while recording the report.

#### **11. Omission of the Names of Accused in F.I.R.**

- (1) If name of an accused is not mentioned in F.I.R. although known to the maker, case against him is doubtful.
- (2) Action can be taken against persons not named in F.I.R.
- (3) Absence of name of accused in F.I.R. goes strongly in favour of accused and can be taken into consideration while determining probabilities of the case.

(4) Where the complainant or any other eye witness having had opportunities to see the offenders who are known to the complainant or witness, gives the first information and in doing so omits the names of certain persons who are taken or placed on trial by the Police before the court such omission will be a circumstance in favour of accused.

The inference arising from the fact that the names of the accused are not mentioned in the First Information Report must vary from case to case.

## **12. Statutory Duty to Register the F.I.R.**

Whenever a citizen comes to the Police Station with the complaint, it is incumbent on the Police Officer concerned to receive and register the same and proceed further in accordance with the provisions of the Cr.P.C. Refusal to record the complaint at the Police Station that it has no territorial jurisdiction over the place of the crime is certainly a dereliction of duty on the part of the Police Official concerned because any lack of territorial jurisdiction could not have prevented from recording the information and forwarding the same to the Police Station having jurisdiction over the area in which the crime was said to have been committed.

In case of complaints lodged against public servants regarding accumulation of disproportionate assets beyond the known sources of income, falsification of account, misappropriation of Government money, misuse or abuse of public money, preliminary enquiry may be conducted to find out the truth of the allegations before the registration of an F.I.R.

### **13. Do's and Don'ts in Registering F.I.R.**

#### **DO's**

- (1) F.I.R. should be lodged immediately.
- (2) It should be recorded in first person.
- (3) Attitude / Behavior towards the victim should be sympathetic.
- (4) Technical words should be avoided and as far as possible, the language of the informer / complainant should be used.
- (5) Written complaint should be taken.
- (6) Written statement should be duly signed or thumb impressed.
- (7) Only a report of cognizable offence should be lodged as F.I.R.
- (8) Authentic information should be mentioned in F.I.R.
- (9) Place, Date and Time of occurrence should be mentioned in the F.I.R.
- (10) Arrival and Departure of the informer should be mentioned in the F.I.R. as well as Daily Diary Register.
- (11) Delay, if any, in registering the case should be covered in F.I.R.
- (12) 11 "Ws" should be strictly followed.
- (13) Description and Role of every accused involved in the Commission of offence should be covered in F.I.R.
- (14) Kind of physical damage and property destroyed should be mentioned in the F.I.R.
- (15) Weapon of offence used and observation of Scene of crime should be mentioned in the F.I.R.
- (16) Telephone number, if any, of the complainant should also be mentioned.

- (17) Four copies of F.I.R. should be prepared simultaneously by carbon paper process.
- (18) F.I.R. should be lodged in neat and clean handwriting and be kept in safe custody being a permanent record.
- (19) A copy of F.I.R. should be sent to Ilakka Magistrate concerned immediately.
- (20) A copy of F.I.R. should be provided to the complainant free of cost.

#### **DON'Ts**

- (1) Complainant should not be puzzled.
- (2) Harsh language should not be used.
- (3) Aggression should be avoided.
- (4) Unnecessary details should be avoided.
- (5) Over-writing / scoring should be avoided.
- (6) Offence should not be minimized.
- (7) Do not forget to take thumb-impression or signature of the informer.
- (8) F.I.R. should not be lodged on the basis of telephone telegram or hearsay rumor without verifying the facts and getting the signature of the informer / complainant.

#### **14. Supply of Copy of F.I.R. forthwith**

Sub-section (2) of section 154 makes it mandatory on the part of the person concerned registering the F.I.R. to supply a copy of the F.I.R. to the complainant and it is endorsed in the Official Register, kept in the Police Station. Besides, sub-section (2) of section 154, State regulation in this regard warrant that the original F.I.R. be made with certain carbon copies, out of which one should be given to the informant forthwith and free of cost, and a specific endorsement with signature of informant of this effect be made at the foot of the F.I.R. copy kept in the F.I.R. book.

### **15. Refusing to Sign the F.I.R.**

When a person refuses to sign the report of the nature of first Information made by him to the police officer, that person can be prosecuted under section 180 I.P.C.

To bring the offence home to the accused what is required to be provided is—

- (1) That the informant made the particular statement.
- (2) That he was required to sign that statement by the public servant.
- (3) That the accused refused to sign that statement.

The officer-in-charge of a Police Station is a public servant legally competent to require the informant to sign the statement made by him.

### **16. Remedy on Refusal to Register the F.I.R.**

Section 154(3) provide that any person aggrieved by a refusal to record the information may send the substance of such information in writing and by post, to the Superintendent of Police concerned who, if satisfied can either investigate the case himself or direct an investigation to be made by any officer subordinate to him. Beside availing the above course, one may file a complaint to the Magistrate concerned who may take either himself cognizance of the offence or may send it to the Police for investigation under section 156 (3).

### **17. Despatch of F.I.R.**

1. The original copy of the F.I.R. must be sent without delay to the Magistrate having local jurisdiction (Sec. 157 Cr.P.C.).

2. One copy is sent to the C.I.(Rule 308, PSO).

3. One copy is retained at the Police Station for further reference.

4. A copy shall be given free of cost to the informant(Sec. 154 Cr.P.C.).

5. In Railway cases the S.I. of the Railway Police Station sends a copy to the local Police if from the nature of the crime committed, the co-operation of the latter is required or it concern the latter directly.

6. In grave crimes, copies of the F.I.R. are sent to the S.P. as well.

7. One copy to D.C.R.B.

8. In case of death/injury etc., in motor accidents, a copy shall be send to the Tribunal and Insurance Company.

## **18. Delay in Registering F.I.R.**

A First Information Report is an important document even though it a not a substantive piece of evidence. Its prompt lodging lends credence to the prosecution version and diminishes the possibility of a colored version being put by the complaint in the report. It is for this reason that the court view with concern any delay in the lodging of the F.I.R. Law provides for the time and date of the lodging of the F.I.R. to be recorded on the register and that record services as an internal check about the promptness with which the F.I.R. was lodged.

The shorter the delay between the occurrence and the lodging of the F.I.R. the greater is the guarantee of the genuineness of F.I.R. Unexplained delay in giving the F.I.R. gives rise to many doubts and suspicions, the benefit of which will go to the accused in a court of law. If the F.I.R. is not prepared soon after the occurrence its value is considerably weakened.

It is well settled that the delay in giving the F.I.R. by itself cannot be a ground to doubt the prosecution case.

Unexplained delay in filling F.I.R. creates doubt the involvement of other accused persons.

Where inordinate ordinary delay in lodging F.I.R. is not explained, F.I.R. cannot but be viewed with suspicion.

However, if the delay in lodging the F.I.R. was due to the mental condition of the informant after the commission of the offence like shock, reasonable time taken to go to Police Station, distance of the Police Station from the place of occurrence and if proper explanation for the delay is given and if it is found to be reasonable and convincing, the delay will be condoned.

In all cases, delay in lodging F.I.R. may not be fatal to the prosecution case, but it would vary from case to case.

Unexplained delay in lodging of F.I.R. making the evidence in court unreliable for want of necessary explanation and it casts a serious doubt on the investigation and discredits the truthfulness of the prosecution version.

Delay in setting the law in motion by lodging of complaint or F.I.R. in Police Station is normally viewed by court in suspicion because there is possibility of concoction of evidence against an accused.

When Police were present on the day of incident, the recording of the F.I.R. on the next day casts doubt on the prosecution story [Prakash V State (1981) 3 Sec. 493].

The longer the delay, the stronger the suspicion, that the case is either false wholly or in material particulars, so the delay should satisfactorily be explained.

1. Care should always be taken that the names of witnesses are mentioned in F.I.R. If the names of P.Ws. do not appear in it and they are examined later on, the presumption is that they were not present at the spot and have been procured later on.
2. Care should be taken that all the materials facts are mentioned in F.I.R. (as much available at that time).
3. Names of the accused persons should occur in F.I.R. and their parts also (If information is available at that time).
4. It is not at all necessary to put up or cite all the P.Ws. in court.

### **Reasons for Delay**

**Note : Reasons for the Delay On the part of Complainant is mentioned as “DOC”.**

**Reasons for the Delay On the part of Police is mentioned as “DOP”.**

1. Physical condition of the informer (DOC).
2. Psychological condition of the informer (DOC).
3. Natural calamities (Both).
4. Distance of place of occurrence (Both).
5. Ignorance of law of informer (DOC).
6. Late detection of commission of crime (DOC).

7. Threat, promise and undue influence (DOC).
8. Economic and social reasons (DOC).
9. Dispute over the jurisdiction of Police Station (DOP).
10. Uncertainty of place of occurrence due to continuous offence (DOP).
11. Shortage of staff (DOP).
12. Unavoidable departmental formalities (including delay due to opinion of experts) [DOP].

Reasons of delay should be explained in the F.I.R.

### **Inference Arising on Delay**

F.I.R. in a criminal case is an extremely vital and valuable piece of evidence for the purpose of corroborating the oral evidence reduced at the trial. The importance of the report can not be over estimated from the point of view of the accused.

The object of insisting upon prompt lodging of the report to the Police in respect of the commission of an offence is to obtain early information regarding the circumstances in which the crime was committed, the names of the accused, culprits and the part played by them as well as the names of eye witnesses present at the place of occurrence.

Delay in lodging the F.I.R. quite open results in acquittal which is considered a creature of after thought. On account of delay the report loses the advantage of spontaneity. The introduction

of colored version, exaggerated account and concocted story is the result of deliberation and consultation. It is, therefore essential that the delay in the lodging of the F.I.R. should be satisfactorily explained. When the F.I.R. was lodged with delay and that the delay in lodging the F.I.R. had not been explained, it would be unsafe to base conviction of the accused upon the evidence produced by the prosecution. When the F.I.R. is delayed the obvious reason appeared to be that the names of the assailants were not known and that the alleged eye witness have not seen the occurrence [Dhanapal V State UP 1989(2) Crimes 154,158 (A11-DB)].

(Awadhesh V State MP AIR 1989 Sec. 1158).

### **19. Delay in Sending F.I.R. to Magistrate**

Delayed dispatch of the copy of F.I.R. to the Magistrate does not vitiate the prosecution in each and every case. However the delay creates a suspicious unless the delay is explained.

### **20. General Defects Relating to F.I.R. may cause Acquittal**

- (a) Delay in lodging a complaint without explaining the reasons.
- (b) Not obtaining the signature of the complainant on F.I.R. or statement.
- (c) Delay in dispatch of F.I.R. to Court. Eye witness or injured being the complainant not giving full account of the offence having known or seen all the details of crime.

- (d) Contents of F.I.R. contrary to the facts of offence and the I.O. not being able to explain.
- (e) Not examining the scribe of the complaint during investigation and during the trial.
- (f) Not examining the complainant who lodged the complaint, during the trial.
- (g) Not examining the officer who registered the case during the trial.
- (h) Not examining the Constable who handed over the F.I.R. to the court during the trial.

## **21. Statements not Amounting to an F.I.R.**

(1) A report or a statement recorded after the commencement of investigation (Section 162 and 163 Cr.P.C.).

(2) Reports not recorded immediately but after questioning of witnesses.

(3) Reports recorded after several days of developments.

(4) Information not about occurrence of cognizable offence but only cryptic message in the form of an approval for Immediate.

(5) Complaint to the Magistrate.

(6) Information to beat house.

(7) Information to the Magistrate or Police Officer on phone.

(8) Information received in Police Station prior to the lodging of an F.I.R.

## 22. Special Report

The Police is required to send the copy of F.I.R. to the concerned Magistrate immediately after registration of the case under section 157 Cr.P.C. and under the rules framed by Police. A special report, in cases of heinous nature like murder, dacoity, and all specially reported cases is also to be sent immediately after registration of such a case to the concerned Magistrate. Copy of F.I.R. is given to S.P. of the District for administrative purpose. Even when a case is registered under minor offence, the special report needs to be sent, and immediately in case of graver offence requiring despatch of special report, is made out. The Magistrate on its receipt gives the date and time of receipt on it and this is guarantee of its being recorded by Police at the specified date and time given in it. In case of delay in its despatch to Magistrate, there are two presumptions;

*See Kamaljit Singh 1980 Cr.L.J. 542.*

- That it was not recorded at the time and date given in it and was antitimed or antedated;
- That the delay had been occasioned due to preliminary enquiries made by Police to find out culprits or to spin out a story, to introduce improvements and embellishments and to set up distorted version. An unexplained delay in sending F.I.R./S.R. evokes suspicion, 1987 (1) Cr.L.J. 479.

In many a case, the delay is explained by Police by coining any excuse as in 1973 Recent Laws 35, it was held to be a usual story of punctured cycle. The explanation must be satisfactory and acceptable. If no explanation is forthcoming, then it creates a doubt in the minds of judicial officers as to the genuineness of F.I.R. In the Gabriel 1977 Cr.L.J. 135 and in Recent Laws Appayya Naik 1966 Cr.L.J. 483.

### **23. First Information Report by Accused**

First Information Report by accused falls into different categories; it may be a complaint given with ulterior object of misleading the Police or making a provision for the defense of the accused in court or it may be just an information pure and simple of a cognizable offence. It might also be a confession in part or as a whole. In the case of F.I.R. being a confession, it is wholly inadmissible, as it is hit by section 25 of the Evidence Act, No confession given to a Police Officer is admissible Section 25 of the Evidence Act does not make any difference between confession made before the commencement of investigation and confession made afterwards. Any confession under any circumstance whatsoever, except when any part of such confession relate to the discovery of a fact as described in section 27 of the Evidence Act, if made to Police Officer, is inadmissible according to section 25 of Evidence Act. Therefore, an F.I.R. by accused, when it amounts to a confession to a Police Officer is inadmissible in Law.

A First Information Report is not a substantive piece of evidence and can only be used to corroborate the statement of the matter under section 157 of the Evidence Act or to contract it under section 145 of that Act.

It cannot be used as evidence during the trial because an accused neither can corroborate or contradict other witness.

An F.I.R. by accused containing incriminating facts is in admissible.

[Metropolitan S.S. Vijay Wada V B. Srinivasa Rao 1992—3027 (AP-DB)].

Preamsingh V State of Rajasthan 1994 Sec. 555.

## **24. Second F.I.R.**

A second F.I.R. based on the same facts is not permissible, though the police has right to conduct further investigation and submit report in respect of the complaint, facts disclosed in second F.I.R.

(TT Antony Vs. State of Kerala AIR 2001 SC 2637)

True. There cannot be two F.I.Rs. against the same accused in respect of the same officer. But, when there are rival version in respect of the same episode, they should normally take the shape of two F.I.Rs. and investigation can be carried on by the same investigative agency. Where there is nothing in common in the two cases, the two F.I.Rs. are maintainable.

Some time it may happen that more than one person go on at about the same time and make statements to the Police about the same cognizable offence. At times the Police Officer has to use common sense and record one of the statements as F.I.R.

Jagadish Vs. State of MP 1992 Cr.L.J. 981 (MP).

Ramsingh Vs. State of Punjab 1992 Cr.L.J. 805.

## **25. First Information on Telephone**

Mere telephonic message/information to the Police about any incident would not be treated as F.I.R., as normally a telephonic message is given to the Police so that it may reach the spot immediately. If a telephonic message is received without giving sufficient details as to the identify of the informant or such other relevant details regarding the offence committed, the Police is not bound to treat it as the First Information Statement.

A telephonic message given to officers-in-charge of Police wireless, by a person who can be ascertained and the information reduced in writing is an F.I.R. and is not hit-by section 162.

## **26. First Information on Telegram**

Where a telegram about murder given almost immediately after the murder was committed, does not mention names of the assailants, the omission is a strong circumstance in favour of accused.

A cryptic telegram or phone call, which gives vague information, cannot be treated F.I.R.

[T.T. Antony Vs. State of Kerala 2001 Cr.L.J. 3329 (3337) SC.].

In case of information received through telephone or telegram an entry to this effect should invariably made in the general diary of the station.

## **27. Information and Counter Information**

It some times happens that the accused gives a complaint either before or after the complainant's party goes to the Police. The proposition that if one of the accuser's party goes first to the Police Station and says that complainant party has committed an offence, the real complaint made later or under section 154 Cr.P.C. against the accused must be kept off the record under section 162 Cr.P.C. is untenable in law. It is, of course, the duty of the Police to investigate into the correctness or otherwise of the complaint received by them and to take up the complaint which is found to be true.

## **28. Nature of Enquiry Permissible in Recording F.I.R.**

When information is received about cognizable offence and the officer wanted to verify the information, he must make an entry in the G.D., proceed to the spot and take a report from person who is in a position to make a report and then send the same to the Police Station for registration of the F.I.R. The F.I.R. Book should not be taken to the spot. Where the accused is occupying any public office, in registration a case against him, it is always proper to make some preliminary inquiry about the fairness of the allegation. The officer-in-charge of a Police Station is not obliged to prepare F.I.R. on any nebulous information received from somebody who does not disclose any authentic knowledge about commission of the cognizable offence. It is open to the officer-in-charge to collect more information containing details about the occurrence, if available, so that he can consider whether a cognizable offence has been committed warranting investigations thereto.

The F.I.R. is nothing but the statement of the maker of the report at a police station before a Police Officer, recorded in the manner provided by the provisions of the code. Whether or not a particular statement would constitute the first information is a question of fact and would depend upon the circumstances of the case. It is not every piece of information, however, vague and indefinite or unauthenticated which will form the F.I.R. merely because it was the first to reach the Police Station. The special significance of the F.I.R. lies in the fact that it is a record of the earliest information about an alleged offence, a statement given before the circumstances of the crime can be forgotten or embellished.

## **29. Transfer of F.I.R.**

An offence committed within the limits of the station may by mistake, be reported to another station. The procedure to be followed in such a case varies slightly from State to State.

- (a) In certain States the officer-in-charge is required to record it in the F.I.R. form, send the original copy to the Magistrate and another copy to the station having jurisdiction.
- (b) In other states if the information is in writing, it is forwarded without being registered, to the P.S. having jurisdiction. If given orally, it is first taken down on plain paper and then forwarded.
- (c) In any case, it is advisable that both the recording and the preliminary investigation be taken up by the officer first receiving the complaint even if there is a doubt as to the actual place of occurrence.
- (d) These rules apply to the transfer of a case between Railway and District Police also. In case of doubt, the S.P.S. will decide the issue.
- (e) Where the transfer involves a change in Magistrate jurisdiction also, the Magistrate to whom the original F.I.R. was sent will also be informed and requested to transfer it to the Magistrate having jurisdiction.

## **30. Disposal of F.I.R.**

An F.I.R. once started, shall on no account be cancelled by the Station House Officer, nor is it permissible for a Magistrate or any other Police Officer to do so. Recording of the F.I.R. means starting of investigation of a cognizable case and once a case is started, it can be concluded only in any of the following ways:

- By refusing investigation under section 158 Cr.P.C.
- By transferring it to a different Police Station on the grounds of jurisdiction.
- By submitting a final report after such an investigation under section 173 Cr.P.C. as untraced, undetected, false, mistake of fact, fact of law etc.
- By submitting a charge sheet under section 173 Cr.P.C. after an investigation.
- Sometimes an F.I.R. can be quashed under section 482 Cr.P.C. by the High Court in exercise of its inherent powers.

It is essential before starting the investigation that facts mentioned in the F.I.R. disclose all elements of a cognizable crime. Moreover, power of investigation must be exercised strictly in tune with constitutional and legal provisions. If F.I.R. does not disclose a cognizable offence, it can be quashed. [State of West Bengal Vs. Swapankumar Guha, 1982 Cr. L.J. 819 (SC.)].

### 31. Difference Between Complaint and F.I.R.

<b>Complaint</b>	<b>F.I.R.</b>
1. Made before the Magistrate	1. Made before the S.H.O.
2. Complaint can be of cognizable or Non-cognizable offence.	2. F.I.R. lodged in cognizable offences.
3. Only aggrieved person submit the complaint. u/s 195, 198, 199 Cr.P.C.	3. Any person, who has knowledge or happening of cognizable offence.

**32. What is an F.I.R.? and What is not an F.I.R.?  
(Sec. 154. Cr.P.C.)**

What is F.I.R.?	What is not an F.I.R.?
1. Information relating to cognizable offence 2. Given to the officer-in-charge of Police Station. 3. First in point of time 4. Written or oral	1. Rumor, gossip or hearsay 2. Telegram 3. Telephonic message 4. Information not given to officer-in-charge of Police Station 5. Anonymous communication

From the above, the following ingredients can be made out :-

1. It must be information relating to the commission of a cognizable offence.
2. It must be given to an officer-in-charge of a Police Station.
3. It must be reduced to writing, if given orally.
4. It should be read over to the informer.
5. It should be appended by the signature of the informer (Refusal to sign the report is punishable under section 180 I.P.C.).
6. The gist of the information should be entered in the Station General Diary.
7. A copy should be given forthwith free of cost to the informer.

Informer must be produced in the court to prove and corroborate it.

**33. Action when Reports are Doubtful**

If the information or other intelligence relating to the alleged commission of a cognizable offence is doubtful or the officer-in-charge of the Police Station has reason to suspect that the

alleged offence has not been committed; he shall record the same in the Station Diary along with his reasons for not investigating the crime and also notify the informer.

1. Inspector or Supervising Officer can direct the investigation in such case and may send the report to the District Magistrate for perusal and order.

2. If such information or intelligence relates to commission of offence under section 489 I.P.C., the same shall be recorded under section 154 Cr.P.C. in the Station Diary as well as the special report shall be submitted and also the source of movement of the note at which cognizable offence appears to have been made committed, in that case, a case shall be registered in the Police Station concerned and investigation under section 157 Cr.P.C. shall be made.

#### **34. Investigation into Non-cognizable Offence**

Investigation into non-cognizable case can be undertaken by the Police only under the orders of a Magistrate. The Police have no statutory power to investigate non-cognizable offence. section 155 (2) Cr.P.C. dealing with the power of Police to investigate non-cognizable case expressly provides that “no Police officer shall investigate a non-cognizable case without the orders of a Magistrate having power to try such case or commit the same for trial” where as under section 156 Cr.P.C. and section 36, Cr.P.C. an officer-in-charge of a Police Station or any higher Police Officer has the power to investigate a cognizable offence without any order of a Magistrate. In the case of a non-cognizable offence, the Police have to record the first information report and refer the compliant to the Magistrate

so that he may take further appropriate steps in a Court of Law. In important cases, however, the Police themselves may apply to the Magistrate for sanction to investigate and may then investigate the case.

Once the concerned Magistrate has ordered investigation into such an offence the Police Officer must investigate the case, and for the purpose of such investigation may exercise the same power as an officer-in-charge of a Police Station may exercise in a cognizable case, but this power does not extend to a power to arrest without a warrant.

**Sec. 155 Cr.P.C.**

- (1) When information is given to an officer-in-charge of a Police Station of the commission within the limits of such station of a non-cognizable offence, he shall enter or cause to be entered the substance of the information in a book to be kept by such officer in such form as the State Government may prescribe in this behalf and refer the informant to the Magistrate.
- (2) No Police Officer shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial.

Any Police Officer receiving such order to investigate from the Magistrate may exercise the same power in respect investigation (except the power to arrest without warrant) as an officer-in-charge of a Police Station may exercise in a cognizable case.

Where a case relates to two or more offences of which at least one is cognizable, the case shall be deemed to be a cognizable case, notwithstanding that the other offences are non-cognizable.

**What Action should be taken in Non-cognizable Offence?**

- The information regarding non-cognizable offence should be entered in General Diary Register.
- Complainant be advised and briefed properly to approach the Court of Law.
- Police Officer cannot interfere / investigate into the non-cognizable cases without the order of the court.
- A copy of G.D. entry duly signed should be provided to complainant free of cost.
- If orders regarding investigation into non-cognizable cases is received, then the same procedure should be adopted as in the case of cognizable offences.
- Order of the court should be obtained to arrest the accused in non-cognizable cases after completion of the investigation.
- If one of the offences in the commission of crime is cognizable offence and others are non-cognizable offences they should also be investigated in the same manner as Cognizable offences are investigated.

## **35. Penalties**

### **(1) For furnishing false information**

#### **Sec. 177 I.P.C.**

Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both; or if the information which he is legally bound to give respecting the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both”.

### **(2) Public servant disobeying law with intent to cause injury to any person**

#### **Sec.167 I.P.C.**

Whoever, being a public servant, and being, as such public servant, charged with the preparation or translation of any document, frames or translates that document in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both”.

**(3) Public servant framing incorrect record or writing with intent to save persons from punishment on property from forfeiture**

**Sec. 218 I.P.C.**

“Whoever, being a public servant, and being as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, with intent to cause, or knowing it to be likely that he will thereby cause, loss or injury to the public or to any person, or with intent thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

If the informer gives false report, he is liable to be prosecuted under section 182 or 211 I.P.C. which are as follows:

**(4) False information with intent to cause public servant to use his power to the injury of another person**

**Sec. 182 I.P.C.**

“Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant.

- (a) to omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or
- (b) to use the lawful power of such servant to the injury or annoyance of any person.

Shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**(5) False charge of offence made with intent to injure**

**Sec. 211 I.P.C.**

“Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

And if such criminal proceeding be instituted on a false charge of an offence punishable with death, imprisonment for life or imprisonment for seven years or upwards, shall be punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine”.

A refusal to write F.I.R. is punishable departmentally for burking and also legally under section 166 / 217 I.P.C. which are as follows:—

**(6) Public servant disobeying law with intent to cause injury to any person**

**Sec. 166 I.P.C.**

“Whoever, being a public servant, knowingly disobeys any direction of law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will, by such disobedience,

cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

**(7) Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture**

**Sec. 217 I.P.C.**

“Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending thereby to save, or knowing it to be likely that he will there by save, any person from legal punishment, or subject him to a less punishment than that to which he is liable, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or any charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**36. Inherent Power of the High Court to Quash F.I.R.**

If the F.I.R. lodged with the Police does not disclose any offence what so ever, cognizable or non-cognizable, in the interest of justice not to allow the Police to harass innocent citizens, the High Court would interfere and can exercise its inherent power under section 482 Cr.P.C. to quash the F.I.R.

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