

Introduction

First Information Report (FIR), or the first information of a cognizable offence to the officer in charge of a police station, is covered under [Section 154](#) of the [Code of Criminal Procedure, 1973](#) (CrPC). Although the word “FIR” is not defined in the Code, it refers to oral information on the conduct of a cognizable offence that is provided to the police at the earliest possible moment. An FIR is not intended to be fully detailed; rather, it is intended to initiate the criminal justice system. The information provided to the police officer in order to register a case may be true and accurate.

An FIR is an essential document for both parties (prosecution and defence). It serves as the case’s initial foundation. The prosecution case will collapse if the foundation is weak.

Investigation is one of the crucial tasks that the police perform. The goal of an investigation is to gather evidence and arrest the wrongdoer. Police investigations are covered under Sections 154 to 176 of Chapter XII of the Criminal Procedure Code of 1973, which is titled **“Information to Police and Their Power of Investigation.”**

Section 154 CrPC

Since the information obtained under Section 154 is referred to as FIR, it is crucial to understand the rules governing the process for recording information in relation to offences that are cognizable.

- If the information is provided verbally to a police officer in charge of a police station, that official is required to reduce it in writing. The informant should then read it over and sign it thereafter. The information obtained in this way must be entered in a book called the “book of records” that has been approved by the state administration.
- The informant must receive a free copy of the information that was recorded.
- The aggrieved party may send the information to the Superintendent of Police if the officer in charge refuses to record it. If the Superintendent of Police is satisfied that the cognizable offence has been committed, he or she will either conduct the investigation himself or instruct a subordinate police officer to do so. In relation to the relevant offence, this police officer will have all the authority of an officer in command of the police station.

A woman police officer or any woman officer must record the statement made by a woman where it relates to any of the offences under [Sections 326-A, 326-B, 354, 354-A to 354-D, 376, 376-A to 376-E](#), or [509](#) of the [Indian Penal Code, 1860](#) that are claimed to have been committed or attempted.

What is a cognizable offence

[Section 2](#) of the Code of Criminal Procedure defines a cognizable offence. A cognizable offence is one in which a police officer can make an arrest without the need for a warrant or the consent or order of the magistrate in line with the First Schedule or any other statute currently in effect.

According to Section 154 of the Criminal Procedure Code, in order to initiate an investigation into a cognizable offence or case, a police officer must first receive the First Information Report (FIR) pertaining to the cognizable offence, which can be acquired without the Magistrate's authorization, and enter it in the general diary.

What is a non-cognizable offence

The Criminal Procedure Code, 1973 defines a non-cognizable offence as one for which the police lack the legal right to make an arrest without a warrant.

According to [Section 155](#) of the Criminal Procedure Code, 1973, if a police officer obtains information on the commission of a non-cognizable offence, he is required to record the case's details in the station diary and direct the informant to contact the relevant magistrate.

It is crucial for the police officer to have the magistrate's approval before beginning an inquiry in a non-cognizable offence.

Scope and application of Section 154 CrPC

The first statement made by a person who reports an offence to the police is of great significance since it is usually the true account of what happened, provided at the earliest opportunity with little time for embellishment or fabrication. This section outlines the procedures for timely and accurate information recording. It requires the police officer in charge to follow specific instructions and procedures for documenting the initial report. The following conditions apply to the initial information recorded:

1. The information must relate to the commission of a cognizable offence and must be specific enough for the police to begin an investigation. The information must be relevant to the conduct of an offence that is cognizable on its own terms, not just in the context of later events.
2. It must be the information supplied to the officer in charge of a police station (who is authorised by Section 154 to register an FIR), any other police officer (such as an officer of the Anti-Corruption Police), or the Superintendent of Police, who is authorised by subsection (3).
3. It must be the first complaint of the offence to a police officer made with the view of his acting in the manner described in its written documentation. In *Soma Bhai v. State of Gujarat* (1975) When the A.S.I. received a report about the incident and the A.S.I. asked the police station for guidance over the phone then before putting it in writing, it was the report that was put in writing by the police station in the FIR, rather than the telephonic message, that made up the FIR.

4. It needs to be reduced in writing and have the informant's signature. Therefore, even if it was the first time, a coded and anonymous oral communication sent over the phone cannot be considered an FIR. However, the Rajasthan High Court noted in *Tehal Singh v. the State of Rajasthan* (1978) that if the telephonic message had been given to the officer in charge of a police station, the person providing the message is an ascertained one or is capable of being ascertained; the information has been reduced into writing as required by Section 154 Cr.P.C.; it was a faithful record of such information and the information reveals the commission of a cognizable offence and therefore was not cryptic or incomplete in essential details, and it would constitute FIR.
5. It is the information that forms the foundation of the investigation, as opposed to information the police receive after the investigation has begun, which is covered by [Sections 161–162](#) of the 1973 Code and does not constitute a First Information Report (FIR), even if the person who made the subsequent statement may have been the FIR's original informant.
6. It must not be ambiguous or unclear. According to the Supreme Court of India in the case of *State of U.P. v. Nahar Singh* (1998), "the purpose of an FIR is just to set the investigation agency in motion, it must neither be too ambiguous nor too imprecise, yet non-mentioning of specifics of each and every aspect is not a floor to dismiss the case of the prosecution."
7. The information's substance must be put in a required book at the end of the process of filing an FIR.

It is not necessary for the informant to know exactly who committed the offence, when it was done, or what the circumstances were when filing an FIR. It is the investigation's goal to learn more about these issues. Whether the information is eligible under Section 154 depends on the law; it is not up to the station officer to decide whether to treat it that way or not.

In *Lalita Kumari v. Government of U.P.* (2013), a five-member bench found that Section 154(1)'s requirements must be followed and that the official in question has a responsibility to file the case on the basis of information indicating the conduct of a cognizable offence. In plain English, it is mandatory. However, if no cognizable offence is indicated in the provided material, the FIR need not be filed right away, and the police may instead undertake a preliminary investigation for the sole purpose of determining whether or not a cognizable offence has been committed. The informant must be told within seven days after the preliminary inquiry's conclusion whether or not the FIR should be filed, and if not, why, as the Court has indicated in various areas such as family disputes, medical negligence cases, etc. However, there is also a safety net provided. The requirement to file an FIR has several benefits, including serving as the first step in a victim's "access to justice," upholding the rule of law, facilitating quick investigations, and preventing exploitation in criminal proceedings in many ways.

Object of Section 154 CrPC

According to the section, the main goal of the First Information Report (FIR) is to initiate criminal proceedings, and according to the investigating authorities, it is to gather information about the alleged criminal activity in order to take appropriate action to find and prosecute those responsible.

The other objects of recording an FIR include:

- To inform the District Magistrate and the District Superintendent of Police, who are responsible for upholding safety and tranquillity in the district, about the offence that was reported at the police station.
- To secure and defend the accused against additions or changes in the future.

Procedure of filing an FIR under Section 154 CrPC

Whoever has knowledge of the commission of an offence that is cognizable may disclose it to the police, and Section 154 of the Code specifies how this information should be documented. Section 154 of the Code, [the Police Act, 1861](#) and the rules of criminal practice established by the relevant high courts can all be used to determine how to register an FIR. An examination of Section 154 reveals the following:

- An officer in charge of a police station with jurisdiction over the case must receive the information to investigate.
- If the information is provided to the officer verbally, it must be converted to writing by the officer in charge or by someone else with his approval.
- If the information is provided in writing or is reduced to writing as described above, the informant must sign it.
- The informant must verify the information that has been recorded in writing.
- The police officer is next required to record the information's main points in a book he keeps in the format specified. Station Diary, General Diary, or Roz Namchara are the names of this book. (Police Act, 1861).
- The information, as it was documented in the aforementioned way will then be immediately delivered to the informant in a copy.

Contents of an FIR

FIR serves as the very foundation for the investigation and provides a means of ensuring swift and proper justice. Therefore, it is crucial that the following elements be covered in the FIR in a straightforward manner without any ambiguity.

- The complainant's name and address;
- Information on the incident's date, time, and place;
- The incident's actual facts as they happened;
- The identities and descriptions of those engaged;
- Details of witnesses, if any.

The Parliament added sub-section(2) to Section 154 of the Criminal Procedure Code in order to preserve the version made by the informant at the earliest possible moment from any claims of tampering with it and to shield it from any ensuing changes or additions.

Remedy on refusal to register FIR under Section 154 CrPC

Anyone attempting to file an FIR should be aware that only cognizable offences can be filed under Section 154, not non-cognizable offences. He should thus confirm that the offence is of a cognizable character. The police are required to file an FIR after learning of a cognizable offence from the informant.

In the case of [Prakash Singh Badal v. State of Punjab](#), the Supreme Court of India found that the official in charge of a police station is required by law to open an investigation after receiving information about an offence that is cognizable.

In the case of [Haryana v. Bhajan Lal](#) (1992), the Supreme Court of India ruled that the validity, dependability, and trustworthiness of the information are not reasons to forgo registering it. In the event of a cognizable offence, the police may occasionally refuse to file a first information report. This may be lawful or unlawful. When they lack the authority to do so or the offence is not one that can be recognised, it will be deemed legal. However, it is against the law when the police decline to register the case for obvious reasons without any convincing legal support. The informant must be instructed to submit a complaint with the magistrate if the police officer declines to register the FIR on the grounds that it exposes a non-cognizable offence. Information should be documented and sent to the local police station with jurisdiction, and if the offence was committed outside of the jurisdiction of the local police station, then it should be forwarded to an appropriate one; failing to do so would be a breach of duty.

In the 1993 case [State of A.P. v. Punati Ravulu](#), the Supreme Court of India ruled that a public official's failure to record information constitutes a breach of duty. According to this case, the Superintendent of Police, under Section 154(3) of the Cr.P.C., or another police officer mentioned in [Section 36](#) of this Code should be contacted as a person's initial course of action if they have a grievance that their FIR has not been recorded by the police station. If the Superintendent of Police is certain that the information reveals the commission of a cognizable offence, he must either personally investigate the matter or order a subordinate police officer to do so in accordance with the Code's specified procedures. Furthermore, it states that the subordinate police officer who is looking into the offence will have all the authority of a police station officer in connection to that offence .

Who can lodge an FIR

Any person who has knowledge of the commission of a cognizable offence may file an FIR. No matter how small the offence, as long as it is a cognizable offence, the police officer in charge must file an FIR. If a police officer learns about the commission of any offence that is punishable by law, they may independently file an FIR. In other words, anyone can submit an FIR. against a person or persons:

- Who committed the offence;

- Who is aware that an offence has been committed;
- Who witnessed the offence being committed;
- Someone who is in possession of knowledge regarding an offence.

Therefore, it is obvious that an FIR might originate from any source. Even an anonymous letter submitted to the authorities informing them of an offence may be considered a formal complaint. It is not essential for only the eyewitness to file it, nor is it necessary for the informant to have firsthand knowledge of the offence.

An FIR filed by the accused

The individual who first filed the FIR alleging a murder later turned out to be the accused, then his report will not be the first information report as it was confessional and is an admission from him of particular facts that are relevant to the topic at hand, like how and by whom the murder was committed, as found by the court. If the accuser's admission in the court contests the accuracy of a particular claim made regardless of whether the FIR is valid or not, the prosecution witnesses demonstrate his guilt as evidenced by his pertinent confessions.

Where to file an FIR

FIR is to be filed at the police station nearest the scene of the offence. An FIR cannot be denied by a police station. One should be aware that each police station has a jurisdictional area that includes the areas where they are allowed to look into offences and offences.

Delay in lodging FIR

The fact that the FIR was delayed in being filed cannot, by itself, cast doubt on the prosecution's case. It is not advisable to anticipate that people will rush to the police station right away following an incident given the state of mind they are in. It may not always occur to them that they should provide a report since they are grieving over the tragedy. In these circumstances, it is only normal that they would need some time to travel to the police station and file a report. The court cannot dismiss the prosecution's version as stated in the FIR and thereafter supported by the evidence only on the basis of delay unless there are indications of fabrication. It could not be argued that there was an excessive or unreasonable delay in filing the FIR given the number of conflicts that day.

According to the ruling in the case of *Amar Singh v. Balwinder Singh* (2003), there is no set deadline for submitting a police report. A simple delay in filing an FIR cannot serve as a defence alone for destroying the credibility of the whole prosecution case. The court must examine the delay and seek an explanation for it. If the wait is justified to the court's satisfaction, it cannot be used against the prosecution's case. When eyewitnesses are credible and dependable, a simple FIR filing delay would not be sufficient to invalidate the prosecution's whole case. If the substantive evidence suggests the accused's participation in the offence is otherwise trustworthy and persuasive, a simple delay in filing the FIR would not be a determinant.

In the case of [Shree Kant Shekari v. State of Himachal Pradesh](#) (2004), the Supreme Court made the following observation:

“When there are rape accusations, delay in and of itself is not a mitigating element for the accused.” The failure to file a first information report on time cannot be used as a ritualistic pretext for dismissing the prosecution’s case and casting doubt on its truthfulness. It just alerts the Court to look for and weigh any possible justifications for the delay. The Court’s only job after it is provided is to determine whether it is acceptable or not. It is a relevant element if the prosecution cannot satisfactorily explain the delay and there is a chance that their version of events may have been embellished or exaggerated as a result. However, a convincing justification for the delay is sufficient to disprove any allegation of misrepresentation or the weakness of the prosecution’s case.

Delay in cases of sexual offences

The prosecutrix or her family members’ unwillingness to go to the police and report the occurrence, which affects the prosecutrix’s reputation and the honour of the family, might be one of many reasons why a case of a sexual offence results in a delay in filing an FIR, which the courts cannot ignore. In a community with strong traditional values, some delay in filing an FIR in rape cases is normal to prevent harassment, which is unavoidable when a woman’s reputation is at stake.

The complainant in the case of [Ram Swarup v. State of UP](#) (2011), was a foreign national. The woman was in shock following the rape committed on her by two people, and it wasn’t until she called the Italian Embassy and got guidance from them that she was able to file a case with the local police. The aforementioned justification was deemed adequate by the court and left no room for dispute in the prosecution’s case.

Therefore, the FIR will have more credibility if it is made before the informant has a chance to embellish. However, excessive or unreasonable delay in filing the FIR invariably raises suspicion, which puts the court on alert to search for the potential motivation and explanation and examine its impact on the credibility of the prosecution version, if any.

Evidentiary value of an FIR

- Under [Section 157](#) of the [Indian Evidence Act 1872](#), it may be used to support an informant witness. But it can’t be used to refute or undermine the testimony of other witnesses.
- Under [Section 145](#) of the Indian Evidence Act, 1872 it may be used to refute an informant witness.
- According to [Section 155\(3\)](#) of the Indian Evidence Act, 1872 the defence may utilize the FIR to challenge the credibility of the complainant.
- To use it as proof of the informant’s actions in accordance with Section 8.

- However, apart from the uses under Sections 145 and 157 where the accused is examined as a witness, the FIR could be used against the suspect when the information was provided by him as proof of his conduct ([Section 8](#) of the Indian Evidence Act, 1872) or as an admission ([Section 17](#) of the Indian Evidence Act, 1872), provided it is a non-confessional statement.
- However, a single accused's FIR cannot be used to disprove another accused or contradict any other testimony.
- If any portion of the accused's statement represents a confession, the law of severability cannot be applied to exclude that portion of the statement from consideration as evidence.

An FIR filed by the accused cannot be used against him to prove his intent to commit the offence , among other things.

- According to [Section 32\(1\)](#) of the Indian Evidence Act, if the informant passes away and the FIR includes a statement about the reason for his death or the events leading up to it, it may be used as substantial evidence to show the reason for his passing.
- The claim that the accused was unjustly accused is to be dismissed when the FIR is promptly filed, reliable, and backed by evidence.

The FIR may also turn into important evidence in the following situations:

- During the dying declaration, when a person was testifying about the circumstances surrounding his death. In these circumstances, Section 32(1) of the Indian Evidence Act, 1872 permits the admission of the FIR.
- If the Station House Officer claims that he was present when the accused was harming him, which resulted in the injuries occurring.
- When the person who wrote or read the FIR is unable to recollect the relevant details but is confident that the FIR accurately portrayed those details at the time of writing or reading it.

Rights of person who has lodged the FIR

- The informant is entitled to receive a copy of the FIR as soon as it is filed [[Section 154\(2\)](#)].
- Following the receipt of the FIR, the officer in charge of the police station is required under [Section 157\(2\)](#) to advise the informant that he will not be conducting an investigation if he determines that there are insufficient grounds for doing so.
- The officer must provide his report to the magistrate when the inquiry is over. At this point, he must advise the informant of the actions he took [[Section 173\(2\)\(ii\)](#)], which includes giving the informant a copy of the report submitted in accordance with [Section 173\(2\)\(i\)](#).
- The Supreme Court has also held that if the Magistrate, after studying the Police Report according to [Section 173\(2\)\(i\)](#), is not disposed to take cognizance of the offence and issue procedure, or where there is enough evidence to proceed against some of the suspects named in the FIR:

- Give the informant notice, and
- Give him a chance to speak out once the police report is being considered so that the informant may make arguments as to why the magistrate should recognize the offence.

False FIR's

A fraudulent FIR is one in which the information given is misleading and for which a penalty has been imposed. Anyone who provides wrong information to a public official with the aim to harm another person is subject to imprisonment for a term that may extend to 6 months, a fine of up to 1000 rupees, or both under [Section 182](#) of the IPC. Anyone who knows or has cause to think that an offence has happened and spreads false information about the offence is subject to a sentence of up to two years imprisonment or a fine, or both under [Section 203](#) of the IPC.

In addition, [Section 211](#) states that anybody who brings criminal accusations against someone with the aim to harm them or who accuses someone falsely even when they are aware that there is no legal basis for doing so faces up to two years in jail, a fine, or both. Or, if the case or false accusation carries a sentence of life imprisonment, death penalty, or imprisonment of seven years or more, then the offender will be punished with up to seven years in jail, a fine, or both.

On the other hand, Section 177 covers situations where a police officer gives incorrect information that he is aware that it is untrue.

Second FIR in a case

According to the law, which was established in the case of *Kari Chaudhry v. Sita Devi* in 2002, there cannot be two FIRs filed against the same accused for the same offence. However, if there are new accounts of the occurrence that led to two FIRs, then two FIRs must be filed, and an inquiry into those FIRs can proceed.

However, the court determined in *Upkar Singh v. Ved Prakash*, (2004), that the code does not prevent filing two FIRs for the same occurrence, and the police are not justified in declining to file the second FIR. In this situation, the Magistrate has the authority to order the police to look into the second FIR as well.

Zero FIR

Any police station, regardless of its scope of authority, may record a zero FIR. It is typically employed for offences like murder and rape, as well as other cognizable offences, or offences for which police can act without first seeking a court's permission. Before it is handed to the relevant jurisdictional station, basic action and investigation are taken. It is useful for offences that need to be addressed right away since it enables quicker action that is not slowed down by bureaucratic procedure and takes into account whether the police station whose jurisdiction the offence falls

under is difficult to get to. Police officials who disregard the registration of zero FIR may face disciplinary action as well as prosecution under [Section 166A](#) of the IPC.

Guidelines regarding FIRs

In the recent case of *Youth Bar Association of India v. Union of India and Others* (2016), the Supreme Court set the following guidelines:

- According to the statutes, the accused is allowed to get a copy of the FIR early in the judicial process. This indicates that the FIR may be obtained by the accused before the charge sheet is submitted.
- On payment of a fee, an accused person may submit an application through a lawyer to get a certified copy of the FIR. The report must always be delivered within 24 hours after making such a payment.
- The application for a certified copy must be presented by the accused to the relevant court within two days if the FIR has been forwarded to the concerned magistrate or special judge.
- Within 24 hours of the FIR being recorded, copies of the FIR must be uploaded on the police website or, in the absence of a police website, the state website. Sensitive case-related FIRs need not be uploaded.
- Anyone holding a position below that of Deputy Superintendent of Police or an equivalent grade cannot decide whether to upload the FIR or not. When the District Magistrate assumes a position, he has the authority to decide as well. Any such choice must be reported to the appropriate magistrate.
- The appropriate authority may decide what constitutes “sensitive” information.
- The absence of the FIR does not, in and in itself, constitute a violation of Section 438.
- A committee of three officers will be formed by the Superintendent of Police or Commissioner to address the matter when a copy of the FIR is withheld on the grounds that it is confidential. The complaint must be resolved within three days after receiving the representation.
- When it is decided that copies won't be provided, the aggrieved person may file an application to the appropriate court for a certified copy, which must be given within three days.

Difference between Sections 154 and 155 CrPC

- While Section 154 of the Code deals with information on cognizable offences, Section 155 of the Code deals with information on non-cognizable offences.
- A cognizable case requires the official who is in charge of the police station to file an FIR, but a non-cognizable offence requires the police to send the information to the local magistrate and file an FIR only after receiving his approval.

- On the basis of the first information he receives and records, the police officer can launch an inquiry into an alleged cognizable offence. However, this is not the situation for non-cognizable offences. According to Section 155 of the Criminal Procedure Code, the police officer must give the magistrate the information they have gathered before they may begin an inquiry into an offence of a non-cognizable nature.

Difference between Section 154 and 161 CrPC

- Information acquired following the start of the inquiry, which is covered by Sections 161–162, must be differentiated from the FIR.
- An eyewitness account that a police officer records as soon as they arrive at the scene of the incident cannot be used as the basis for a police report. However, that would not invalidate the eyewitness testimony, which will need to stand or fall on its own.
- The complaint cannot be considered as an FIR because that would be a statement made during an investigation and would be subject to Section 162 of the Cr.P.C. when the investigating officer purposefully chose not to file the FIR after receiving information about a cognizable offence and instead filed the complaint only after travelling to the scene and after careful consideration, consultation, and discussion.

Difference between an FIR and a charge sheet

- The first document filed is called an FIR which comes before the charge sheet. As soon as an offence is committed, an FIR is filed. Once the inquiry is concluded, only then is a charge sheet issued.
- A victim, witness, or other individuals with knowledge of the offence may file an FIR with a police officer, but the police officer creates the charge sheet, which is referred to as the final report. Section 173 allows for such a report, and it is given to the court. The case is officially started after the charge sheet is delivered to the court.
- While an FIR contains the information provided concerning the conduct of an offence that initiates the investigation process, a charge sheet provides the name of the individual against whom the charges are being filed and set out the charges.

Difference between an FIR and a complaint

[Section 2\(d\)](#) of the CrPC defines a complaint as “...meaning any accusation submitted orally or in writing to a Magistrate.” Although a complaint is a sort of FIR, the law has established a few distinctions between the two, which are listed below;

- A complaint may be filed for either a cognizable or non-cognizable offence, but an FIR exclusively deals with cognizable offences.
- A complaint is submitted to the Magistrate while an FIR is filed at a police station and information is provided to a police officer.
- For a complaint, there is no set format, although Section 154 of the CrPC specifies the process for an FIR.

- When filing an FIR, anybody who is a victim, a witness, or has information about the offence may do so, with the exception of cases involving marriage or defamation.
- However, in the situation of a complaint, the Magistrate instructs the investigation to begin and will also order the police to file an FIR of the same case. In the case of an FIR, as it only deals with cognizable offences, the police officer can begin an investigation even before seeking permission from the magistrate.

Conclusion

The FIR is crucial in every criminal case since it is the opening stage of any criminal prosecution. FIR is evidence that causes the start of criminal procedures, which leads to a criminal's conviction. A first information report, as its name implies, is the action taken in the event of an offence, followed by an investigation, a court case, and the punishment of the guilty. It serves as a record of the details of the victim's account. The FIR serves as the foundation for all subsequent actions taken by the police. As a result, it is the earliest and first information of a cognizable offence that a police station officer has ever documented. The FIR turns out to be the key piece of evidence upon which the prosecution's case is based. The state's responsibility is to take cognizance, which gives the victim a remedy and upholds justice in society.