

Cognizable and Non-Cognizable Offences under CrPC

Ruchika Mohapatra · 23 Feb 2026

Edit TABLE OF CONTENTS Introduction What are Cognizable Offences? What are Non-Cognizable Offences? Important Cases on Cognizable and Non-Cognizable Offences Differences between Cognizable and Non-Cognizable Offences Conclusion

Introduction

Criminal offences are divided into different types according to their seriousness, character, and the processes used in their investigation and trial.

Bases on the aforementioned criteria, offences can be divided into two categories:

cognizable offences and non-cognizable offences. The degree of police involvement, the procedure for making an arrest, and the progress of the legal process are all influenced by these classifications.

In this article, we'll go through the definitions and differences between cognizable and non-cognizable offences in India along with certain important case laws.

What are Cognizable Offences?

The Criminal Procedure Code, 1973 (CrPC) defines the term cognizable offence under **Section 2(c)**. Cognizable crimes are those for which the police have the authority to arrest the accused without a warrant or a magistrate's approval. The consequences of these crimes are horrible and more severe as opposed to non-cognizable offences.

The First Schedule of the Code outlines how offences are categorized and whether a certain offence fits into the category of a cognizable offence or not. Such offences include rape, murder, kidnapping, theft, and abduction, among others. These offences put society at danger and undermine its peace and harmony.

After a First Information Report (FIR) is filed, the investigation into crimes that are punishable by law begins. It is information that is provided to the police officer orally or in writing and is regarded as proof gained in cases with cognizable elements. Additionally, it strengthens the prosecution's case. Section 156 of the CrPC gives police officers the authority to look into a crime that is legally actionable.

What are Non-cognizable Offences?

Section 2(l) of the CrPC defines non-cognizable offences as those offences for which a police officer cannot arrest the accused without a warrant and cannot initiate an investigation without the permission of a court. A non-cognizable offence is a criminal act that is typically less serious in nature.

Section 155(2) states that the police require permission from the Magistrate to file a FIR for non-cognizable offences. Under **Section 158**, a police report must be submitted to the Magistrate to inform them of the ongoing investigation for both cognizable and non-cognizable offenses.

If someone approaches a police officer to report a non-cognizable offense, the officer will make a note of the information in a book at the police station. However, the officer cannot take immediate action to investigate or make an arrest without the direction of a Magistrate. The Magistrate, as per **Section 159**, has the authority to decide whether the investigation should proceed and can issue directives accordingly.

Important Judgements on Cognizable and Non-Cognizable Offences

1. Lalita Kumari v. State Of U.P: The Honorable Supreme Court ruled that pursuant to Section 154, a police officer is required to file a police report (FIR) if the information provided suggests the commission of a crime. The Court went on to rule that the word "shall" does not give a police officer any discretion to conduct preliminary inquiries before filing a police report.

The Court ruled that arresting officials who refused to file the FIR would face harsh punishment. However, the court ruled that an arrest and an investigation are two distinct things. If an FIR is registered against someone without any supporting evidence, section 154 does not grant police the authority to make an arrest.

2. Om Prakash and ANR v. Union of India: In this particular decision, the Court explained the police's authority in the event of non-cognizable offences. They declared that a police officer, or in this case, an excise officer, cannot make an arrest without a legitimate arrest warrant.

The same clause is specified in Section 41 of the 1973 Code of Criminal Procedure, which lists the many circumstances in which a person may be detained by the police with or without a warrant.

3. State of Karnataka v. M.R. Hiremath: In this case, the Supreme Court clarified that the power to categorize an offence as cognizable or non-cognizable lies with the legislature. The court held that the police cannot arbitrarily change the classification of an offence from non-cognizable to cognizable or vice versa, and such changes can only be made through legislative amendments.

4. State of Haryana v. Bhajan Lal: The Supreme Court laid down guidelines for determining when a preliminary inquiry can be conducted before registering an FIR in non cognizable offences.

The Court held that a preliminary inquiry may be conducted only when there are compelling reasons to do so, such as lack of prima facie evidence or the need to protect innocent persons from harassment.

5. Ramesh Kumari v. State of NCT of Delhi: The Delhi High Court clarified that in non-cognizable offences, the police have the power to make an arrest without a warrant if the offence is committed in their presence. However, the court emphasized that such arrests should be made only in exceptional circumstances and not as a routine practice.

Difference between Cognizable and Non-Cognizable Offences

Edit	POINTS OF DISTINCTION	COGNIZABLE OFFENCES	NON-COGNIZABLE OFFENCES
Definition		Cognizable offences are crimes for which the police can make an arrest without a warrant or prior court permission.	Non-cognizable offences are crimes for which the police cannot make an arrest without prior court permission.
Provision		Section 2(c) of the Code of Criminal Procedure (CrPC).	Section 2(l) of the Code of Criminal Procedure.
Investigation procedure		The investigation procedure for cognizable offences is outlined in Section 156 of the CrPC.	The investigation procedure for non-cognizable offences is outlined in Section 155 of the CrPC.
Police powers		Police officers have the authority to arrest without a warrant and initiate an investigation upon the lodging of an	

FIR (First Information Report), without magistrate permission. Police officers cannot initiate an investigation until they receive orders from the magistrate. ArrestThe accused can be arrested without a warrant or court permission. Arrest requires prior permission from the court. Gravity of the crime Cognizable offences are generally more serious and heinous compared to non-cognizable offenses. Non-cognizable offences are less severe and grave in nature. Punishment severity Punishments for cognizable offences typically exceed three years and may include life imprisonment or the death penalty. Punishments for non-cognizable offences are usually less than three years. Bail for the accused Cognizable offences may be bailable or non-bailable depending on the nature of the offense and the discretion of the court. Non-cognizable offences are generally bailable due to their lesser severity. Examples Murder, rape, kidnapping, abduction, etc. Assault, cheating, defamation, etc.

Conclusion

Understanding the differences between the two categories of offences is essential to comprehend police authority, investigation process, etc. The police have the authority to detain the suspect and launch an independent investigation in cases of cognizable offences without first obtaining the consent of the relevant Magistrate. Since cognizable offences are serious crimes, this action is being done in an effort to find the accused as soon as possible.

In these situations, it stands to reason that the accused may hurt other members of society. This is not the case, though, with non-cognizable offences. In conclusion, only the initial step, the arrest of the accused, differs between the two groups while the investigation process is the same in both.

Read detailed notes on Bailable and Non-Bailable Offences