BLOGS

Learn in a Minute: What is a First Information Report (FIR)?

Ruchika Mohapatra · 28 Aug 2024

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What is a First Information Report (FIR)?

A First Information Report (FIR) is a written document prepared by the police when they receive information about the commission of a cognizable offence. It's the first step in the criminal justice process and triggers a police investigation into the matter.

The FIR is governed by the Criminal Procedure Code, 1973 (CrPC), specifically:

- Section 154 of the CrPC: This section lays down the procedure for recording an FIR. It mandates that the information about a cognizable offence given to an officer in charge of a police station must be recorded in writing.
- Section 157 of the CrPC: Stipulates the procedure for investigating a cognizable offence upon receiving information about it through an FIR.

Filing an First Information Report (FIR)

Who Can File?

An FIR can be filed by the victim, a witness, or any other person with knowledge of the incident.

Where to File an FIR?

An FIR should be filed at the police station with jurisdiction over the area where the offence occurred **[We will read more about Zero FIRs later in this post]**

How to File an FIR?

You can provide information orally or in writing. If orally, the officer in charge will write it down and ask you to sign it after reading or hearing it back to you. After filing, the informant is entitled to a free copy of the FIR. The police cannot refuse to register an FIR if it relates to a cognizable offence.

Failure to register an FIR for a cognizable offense is a punishable offence under **Section 166 of the CrPC**. Police officers can face disciplinary action or even legal proceedings for neglecting this duty.

What are Zero FIRs?

A Zero FIR is a specific type of First Information Report (FIR) that allows for a police complaint to be registered at any police station, regardless of jurisdiction. The key distinction from a regular FIR is that a Zero FIR can be filed in any police station, even if the crime occurred outside its jurisdiction. Once registered, the Zero FIR is then transferred to the appropriate jurisdiction for further investigation and action. The concept of a Zero FIR is derived from the principle that immediate police action is necessary in certain situations, especially for cognizable offences.

Landmark Cases on FIRs

Lalita Kumari vs. Govt. of UP is a landmark Supreme Court of India judgment that clarified the mandatory nature of registering a First Information Report (FIR) when a cognizable offence is reported to the police.

The case arose from a petition by Lalita Kumari, a minor, whose father claimed that his daughter had been kidnapped, but the police had delayed registering an FIR. The case questioned the police's discretion in conducting preliminary inquiries before registering an FIR and whether such inquiries could delay or prevent the registration of an FIR.

The court held that the police must register an FIR when information about a cognizable offence is received. This is a mandatory requirement, and any failure to do so could be challenged in court.

Although the general rule is that an FIR must be registered immediately, the court recognized certain exceptions where a preliminary inquiry may be conducted before registering an FIR:

- Matters involving matrimonial or family disputes.

- Commercial offences.
- Medical negligence cases.
- Corruption cases

The court clarified that preliminary inquiry should be limited to the cases mentioned above, and its duration should not exceed a few days (usually 7 days). The outcome of the preliminary inquiry should be recorded in the police station's General Diary or another official record.

State of Haryana v. Bhajan Lal

The case involved Bhajan Lal, a prominent political figure and former Chief Minister of Haryana, who faced criminal charges for alleged corruption and misuse of power. He challenged the First Information Report registered against him, arguing that it was based on malafide intentions and lacked substantial evidence. The case ultimately went to the Supreme Court, which provided a detailed framework for quashing criminal proceedings.

The Supreme Court, in its judgment, laid down a set of guidelines to determine when a court could exercise its inherent powers to quash criminal proceedings. These guidelines, now known as the "Bhajan Lal Guidelines," are used extensively by courts in India to assess whether to quash a case.

Here are the guidelines:

- If the allegations made in the FIR or complaint, even if taken at face value, do not prima facie disclose a cognizable offence.
- When the allegations in the FIR or complaint do not constitute any offence, or the offence alleged is non-cognizable, and no investigation was permitted by the magistrate.
- If the allegations are so absurd or inherently improbable that no prudent person could ever reach a conclusion based on them.
- When there is no legal evidence or absence of sufficient evidence to proceed against the accused.
- If the criminal proceeding is malicious or motivated by revenge or personal vendetta.
- When the proceedings are initiated without jurisdiction or contrary to law.
- If the criminal proceedings are being used for improper or ulterior motives, or as a means to harass or coerce the accused.