

First Information Report

Police and You
Know Your Rights



WHAT IS A FIRST INFORMATION REPORT?

A First Information Report (FIR) is a written document prepared by the police when they receive information about the alleged commission of a cognizable offence. It is a report of the information that *first* reaches the police about the occurrence of a crime or crimes, and this is why it is called the First Information Report.

The police file an FIR only in cases of cognizable offences. Cognizable offences are serious crimes for which the police have the authority to arrest without a warrant, and start an investigation without the permission of a judicial Magistrate. Always remember that if the first information alleges cognizable offences, the police must register an FIR.

WHY IS AN FIR IMPORTANT?

An FIR sets the process of criminal justice in motion. As per procedural law, it is only after the FIR is registered in the police station that the police can start the investigation of the case. Also, if the case goes to court, the FIR will be looked at during trial, so it is important that the relevant first facts, as much known by the complainant or informant, are properly represented in the FIR.

It is settled law that the registration of an FIR is mandatory when the first information received discloses the commission of a cognizable offence. The police cannot say that they have to do a

preliminary inquiry to verify the first information before registering an FIR (with very few exceptions of specific offences laid down by the Supreme Court). The police may do a preliminary inquiry only when, based on the first information, it is unclear whether cognizable or non-cognizable offences have been committed. This will depend on each case. The scope of the preliminary inquiry is only to determine if a cognizable offence is made out, not verify the information received. The inquiry must be completed within 7 days. [Supreme Court judgment: Lalita Kumari vs. Government of U.P. and Ors]

WHO CAN LODGE AN FIR?

Anyone who knows about the commission of a cognizable offence can go to the police station to file an FIR - the victim of the crime, a witness to the crime, or anyone with knowledge of the occurrence of the crime. A police officer who comes to know about a cognizable offence can file an FIR on his/her own.

You can file an FIR if:

- You are the person against whom the offence has been committed
- You know about an offence which has been committed
- You have seen the offence being committed

WHAT IS THE PROCEDURE TO REGISTER AN FIR?

The procedure to register an FIR is prescribed in Section 154 of the Criminal Procedure Code (CrPC), 1973. The police must follow this every time they register an FIR. An FIR may be given in writing or given orally to the police.

- If you give the information orally, the police officer must ask you to narrate the information so s/he can write it in plain and simple language as close as possible to your own words.
- It is your right as a person giving information or making a complaint to demand that the information recorded by the police is read over to you.
- Once the FIR is ready, it must be signed by the person giving the information. You should sign it only after you are sure that the information recorded by the police is as per the details you gave. Remember the FIR must reflect what you know.
- People who cannot read or write must put their left thumb impression on the FIR after being satisfied that it is a correct record.
- It is your right to get a copy of the FIR immediately and free of cost. Always ask for a copy of the FIR if the police do not give it to you .

- The police must record the date and contents of the FIR in the police station diary.

Special procedures for women victims of gender-based crimes

Section 154(1) of the CrPC specifies certain gender-based sexual crimes for which there are special procedures for registration of an FIR. If the victim herself comes to register her complaint, her FIR must be recorded by a woman police officer or any other woman officer. If the victim is mentally or physically disabled (even temporarily), the FIR must be recorded at her residence or location of her choice in the presence of an interpreter/special educator, and it must be videographed.

It is a punishable offence for a police officer to refuse to register an FIR for the offences stated in Section 154(1), CrPC. If a police officer fails to register an FIR for any of these offences, s/he is liable to six months imprisonment which may extend to two years and s/he shall also be liable to fine. [Section 166A(c), Indian Penal Code]

Zero FIR

No police officer can refuse to register an FIR if the offence(s) being reported occurred outside their police station's jurisdiction. S/he is bound to register the

FIR (this is called a zero FIR), make an entry in the FIR register and the station diary, and forward the FIR to the concerned police station. The police must tell you the police station where it has been forwarded.

WHAT SHOULD YOU MENTION IN THE FIR?

- Your name and address
- Date, time and location of the incident you are reporting
- The true facts of the incident as they occurred; including details of the manner of the commission of the crime [for instance, bodily injuries suffered or weapons used]
- Names and descriptions of the persons involved in the incident; if you do not know the name(s) of the accused, give any details you can to help identify them, like age, gender, body build and height, or any identifying features or marks on their bodies or in their speech
- Names and details of witnesses, if any

THINGS YOU SHOULD NOT DO:

- File a false complaint or give wrong information to the police. You can be prosecuted under the law for giving wrong information or for misleading the police. [Section 203, Indian Penal Code]

- Exaggerate or distort facts
- Make vague or unclear statements

WHAT CAN YOU DO IF YOUR FIR IS NOT REGISTERED?

- Meet the Superintendent of Police (SP) or other higher officers like the Deputy Inspector General of Police and Inspector General of Police and bring your complaint to their notice.
- Send your complaints in writing and by post to the SP concerned. If the SP is satisfied with your complaint, s/he shall either investigate the case or order an investigation to be made.
- File a private complaint before the appropriate court with jurisdiction.
- Make a complaint to your State Human Rights Commission; if your state does not have one, send your complaint to the National Human Rights Commission.
- Make a complaint to the Police Complaints Authority, if there is one in your state. These are special bodies in states that inquire into complaints from the public about the police.
- If you are a female victim of a sexual offence, you can file an FIR against the police officer concerned under Section 166A(c) of the Indian Penal Code.

You should know that the police can decide not to investigate even if you file an FIR, when the police officer is of the

view that: 1) the case is not of a serious nature; or 2) there are not enough grounds to investigate. However, the police must record the reasons for not conducting an investigation, and inform you immediately that the investigation will not be done. [Section 157, Criminal Procedure Code, 1973]

ABOUT CHRI

The Commonwealth Human Rights Initiative (CHRI) is an international, independent non-profit organisation headquartered in India. Its objectives are to promote the practical realisation of human rights in the Commonwealth. CHRI advocates for greater adherence to human rights standards.

Our programmes are:

- ❖ Access to Justice (Police Reforms)
- ❖ Access to Justice (Prison Reforms)
- ❖ Access to Information
- ❖ International Advocacy and Programming



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