

CHAPTER -6

Registration of Crime and First Information Report

The First Information Report (F.I.R.) to the Police Station

147-1. Offences are classified as:-

- A. Cognizable, and
- B. Non-Cognizable

The Table -I attached to Schedule - I of C.r.P.C show the nature of offences in IPC as cognizable or non-cognizable. Table - II specifies the cognizable or non-cognizable nature relating to offences under special and local laws, if there is no specific mention in those acts.

2. Section 154 CrPC lays down that when an officer in-charge of a police station receives information relating to commission of cognizable offence he shall record it verbatim and enter the same in a printed form. If the information is given orally, it should be reduced into writing by him or by his subordinate under his direction and secure the signature or thumb impression of the informant. The information so reduced shall be read over to the informant. After entering the information in the printed form it shall be registered First Information Report (FIR) under appropriate sections of law. A copy of the F.I.R. after registration shall be furnished to the informant free of cost. Refusal to register the information about a cognizable offence is punishable under section 217 IPC. The informant

can send the information even by post to the SP of the District who shall register the same as an FIR himself or get it registered if he is satisfied that the contents show a cognizable offence and investigate or direct any subordinate to investigate. The SP also may cause an enquiry against the officer who refused to register and take appropriate action. The brief contents of the F.I.R. shall be entered in the General Diary (GD).

3. Information relating to the cognizable offences should be registered even if they are presented in a police station not having jurisdiction and such registration should not be refused on the point of jurisdiction. After registration it should be transferred to the concerned police station. This type of prompt action will save not only delay in the registration of F.I.R. but also prevent inconvenience to the informant. In addition, the police station where F.I.R. is registered, to begin with, can initiate action without loss of time.
4. The refusal to sign or to put the thumb impression as the case may be on the F.I.R. is an offence under section 180 IPC.
5. In case of oral complaint, care should be taken to ensure that the FIR contains all the essential facts to avoid contradictions by way of omission when the informant is examined in the court. In view of this when the SHO records the oral statement of the informant; he should put questions and elicit required information from the informant.
6. Whenever a report relating to commission of non-cognizable offence is presented in a police station the SHO shall enter the

substance in the G.D. and advise the informant to go to court and present it there as he is not competent to register and investigate such cases. But if one of the offences among the contents of the report is of cognizable nature it becomes a cognizable case and he must register and investigate the case.

7. Sometimes informants directly go to courts and present even cognizable report. If the court endorses such reports or endorses a non-cognizable report when presented to the court, such reports on endorsement shall be registered by the SHO and investigated. But when a non-cognizable report is endorsed by the court, the SHO shall not arrest the accused without the orders of the court.

Telephonic and Telegraphic information and FIR

8. Complaints made by telegrams or telephones need not be recorded immediately as F.I.R. unless authenticity is verified or a statement has been recorded or a written report obtained from the sender. The factum of receipt of telegram or telephonic information has to be noted in the station general dairy (GD).

Rumour, hearsay & FIR

9. A vague rumour should be distinguished from an oral report and should not be reduced into writing but entered in the G.D. When the information is well founded after immediate enquiry by the SHO about its authenticity, the report should be obtained and the case registered.

10. The SHO can register a cognizable offence on his own information also and need not wait till somebody gives report.

FIR Book

148-1. All cognizable offences and reports forwarded by courts on endorsement including non-cognizable cases shall be registered in the FIR book.

2. For administrative reason the information pertaining to following may also be registered in the pro-forma of the FIR. However, the offences so registered will not be given FIR number, but details shall be recorded in special registers maintained for this purpose.

A. All cases of suicides and accidental deaths where inquest is conducted under Section 174 (3) CrPC.

B. Accidental fires, missing of persons, missing cattle, etc.

C. Cases booked under sections 41, 107 to 110 and 102 Cr.P.C.

Information at the outpost and FIR

3. If the report is made at a police outpost, FIR should not be registered by the in charge, as he is not the SHO. He shall record the statement of the informant and send it immediately to the police station for registration after entering the substance in the outpost G.D. However if

a written report is presented its gist will be entered in the outpost G.D. and the report will be sent to the police station for immediate registration. The in charge of the outpost shall then proceed to the scene of occurrence and shall take steps to preserve the scene and evidence, arrest the accused if warranted and recover weapon of offence or stolen property or take any other necessary step if any, pending arrival of SHO to conduct investigation.

4. If the officer in charge of police station receives a report during his tour, he should send it to the station with due endorsement for registration. In the meanwhile he can commence investigation.
5. Whenever statements are reduced into writing by SHO in property offences the description of stolen property should be incorporated in detail as far as possible. Similarly in cases of rioting the number of accused should be mentioned precisely and if possible they should be identified by name or description.
6. Though FIR is to be registered before investigation commences, it need not be taken always as a precondition. If a report of a serious crime is received by SHO he may leave post haste to the scene directing the next subordinate who is holding the charge of the SHO in the station to register a case. For example, if SHO is informed that a serious breach of peace is occurring in his jurisdiction or a murderous attack is taking place, it is the duty of the SHO to proceed to the scene at once.

FIR - Whom to be sent

- 149-1.** The FIR in original shall be sent to the Magistrate having jurisdiction without delay. One copy of the FIR will be retained in the station and one copy each; will be sent to the Sub-Divisional Officer and the SP. When the Magistrate having jurisdiction is not the local Magistrate, a copy will be sent to the latter also. Carbon or photocopying process or any other copying process may be used to make the copies of FIR. The original written complaint made by the complainant shall be attached to the original FIR meant for the Magistrate, but copies of it will be made and attached to the other copies of FIR. One copy of FIR shall invariably be given to the complainant free of cost, even if the complainant does not ask for it.
2. There are several laws both Central and State in which certain offences are cognizable. The officer in charge of the Police Station receiving information disclosing a cognizable offence under any of these laws shall take action to record the FIR. If the special Act is directly concerned to any department, a copy of the FIR may be marked to them for information.
3. There are certain cognizable offences under certain Special Acts where the police officials of certain ranks are only empowered to investigate, whereas in certain offences it is not the police but the officer of specified department and agencies are empowered to investigate. In such cases, any information disclosing cognizable offence received, should be registered and forwarded to the police officer competent to investigate such case or to an officer of any other department, competent to investigate.

Express Reports

- 150-1.** In special report cases listed in Order of Chapter , a telephonic/Fax/Radio message/e-mail should be sent to SP and SDPO. FIRs shall be sent with a copy of such message sent already, by speed post or courier to SP, SDPO and the Magistrate having jurisdiction.
2. These reports are termed “Express Reports” and should be sent as quickly as possible by means of fax, telegram or through wireless. A copy of the FIR under this order need, however, be sent only by post and not by hand except in respect of local delivery.
3. An immediate report in respect of cases of special report cases (Order) should be sent to the SDPO and the SP by the quickest means possible as the SDPO/SP have to send information by fax, radio/telegram to the Government, DGP, DIGP/Range. It will, however, be noted that where a copy of the FIR could be delivered through a messenger to the SDPO or SP before a telegram/RM/FAX could possibly reach, only an express report need be sent. Any additional information sought by the Government, DGP, DIGP/Range in these cases, should be furnished promptly.
4. In every case of use of fire arms by police in dealing with a riot or in self-defense, an express report or radiogram or telegram or fax or e-mail whichever is the quickest shall be sent to the District Magistrate. In this report, the number of persons killed or injured, if any, shall be stated with their identity, if known.

Registration of cases reported at police stations other than the jurisdiction police station

1. Crime of one PS reported at other PS- When a crime committed in the jurisdiction of another police station within this state is reported to the SHO of a Police Station, the station which receives the report shall forthwith register FIR, enter the substance of FIR in GD and inform the police station having jurisdiction by telephone or radiogram or e-mail or telegram. This shall be followed by immediately dispatch of the FIR by the speed post or any other reliable means, transferring the case. The police receiving the information first, should take all initial necessary steps, as they would, in a case occurring in their own jurisdiction.
2. Action by PS where crime is reported- If the place of occurrence is near and is easily accessible from the police station the SHO or the investigating team will at once proceed to the spot, take up investigation and continue till relieved by the police having jurisdiction. Simultaneously, action will be taken to send immediate intimation to the police station having jurisdiction. When the investigation is taken over by the latter, the FIR should be transferred.
3. When crime is reported at the nearest PS- If the place of occurrence is far away, immediate intimation should be sent to the police having jurisdiction by the quickest possible means and the FIR transferred to them simultaneously. If any of the persons, who are reasonably believed to have taken part in the offence, are

found in the limits of the station where the offence is reported and if the offence alleged against them is of a serious nature and there is reasonable apprehension that they will abscond unless apprehended immediately they should be arrested and produced before the local Court having jurisdiction and intimation of their arrest should be promptly sent to the police station within the jurisdiction of which the offence has occurred.

4. When crime of another State is reported - If a report disclosing a cognizable offence that was committed outside the State is presented, it will be entered in the GD, and a certified copy of the entry will be given to the person who made the report and he will be referred to the station house officer within whose jurisdiction the offence took place. If any of the persons, who are reasonably believed to have taken part in the offence, are found in the limits of the station where the offence is reported and if the offence alleged against them is of a serious nature and there is reasonable apprehension that they will abscond unless apprehended immediately they should be arrested and produced before the local Court having jurisdiction and intimation of their arrest should be promptly sent to the police station within the jurisdiction of which the offence has occurred.
5. When a crime of another Country is reported-
 - (i) Section 3 & 4 IPC and Section 188 & 189 Cr.P.C relates to offences committed outside India.
 - (ii) Section 3 of IPC provides that a person who is liable by any Indian Law to be tried for an offence committed outside India, shall be dealt with for any act committed outside India, in the same manner as if he had committed such act within India. Thus an Indian citizen who committed an offence outside India which was not an offence according to the Laws of that country would still be liable to be tried in India if it was an offence under the

Indian Law.

- (iii) Section 4 IPC provides that provision of IPC shall apply to any offence committed by any citizen of India in any place without and beyond India, any person or any ship or aircraft registered in India wherever it may be and any person in any place without and beyond India committing offence targeting a computer resource located in India.
- (iv) When an offence is committed outside India by an Indian Citizen (whether on the high seas or elsewhere) or by any person who is not an Indian Citizen on any Ship or Aircraft registered in India, section 188 Cr.P.C empowers that such person may be dealt with in respect of such offence as it had been committed at any place within India at which he may be found.
- (v) However no such offences shall be inquired into or tried in India except with the previous sanction of the Central government. The decisive factor for invoking jurisdiction of Court of India would be placed where the accused is found and not the place of offence or the residents of the accused. The Supreme Court in *Ajay Aggrawal Vs. Union of India* (AIR 1993 SC 1637) held that sanction u/s 188 Cr.P.C is not a condition precedent to take cognizance of the offence. If needed it could obtain before trial begins. Thus in effect sanction of Central Government is not necessary for registration or investigation of the case.
- (vi) Under Section 189 Cr.P.C the Central government has power, in respect of a trial under the provision of section 188 Cr.P.C to direct that the copies of depositions made or exhibits produced before a judicial officer in or for the territory where the offence was committed, or before a diplomatic or consular representative of India in or for such territory, shall be received as evidence by the trial Court in any case in which such Court might issue a commission for taking evidence as to the matters to which such

depositions or exhibits relate. It is hence imperative that apart from obtaining sanction u/s 188 Cr.P.C, where copies of depositions or exhibits as mentioned above are required to be produced in evidence, a specific request should be made to the Central government for issue of orders u/s 189 Cr.P.C, duly specifying the depositions and exhibits.

(vii) For investigation in a Country or place outside India provisions of 166 A Cr.P.C shall be utilized. An application is made by investigating officer or any officer superior in rank to I.O that evidence may be available in a Country or place outside India, any Criminal Court may issue a letter of request to a Country or an authority in that Country or place competent to deal with such request to examine orally any person supposed to be acquainted with the facts and circumstances of the case and to record his statement made in the course of such examination and also to require such person or any person to produce any document or thing which may be in his possessions pertaining to the case and to forward all the evidence so taken or collected or the authenticated copies thereof or the thing so collected to the Court issuing such letter. The letter of request shall be transmitted in such manner as the Central Government may specify in this behalf.

Registration of cases when station limits of occurrence are doubtful

151. The police to whom a cognizable offence is first reported shall register the case and take up the investigation, where the offence has been committed close to a boundary between stations and it is at first doubtful in which station limits it has occurred. The Police Station, which should retain the investigation, should be subsequently settled. The police station, which first gets the

information of the case, should register it, take it up for investigation and endeavour to detect it.

FIR – its value

152. The FIR is an important document. It is the earliest record made of an alleged offence before there is time for its particulars to be forgotten or embellished. It can be used to corroborate or impeach the testimony of the person filing it under sections 145, 157 and 158 of the Indian Evidence Act. It can also be used under clause (1) of section 32 and illustrations (j) and (k) under section 8 of the Indian Evidence Act. It is necessary that the drawing up of this document is done with utmost care and accuracy and with all available details.

Salient points to be remembered in registering and dispatching FIR

153. The following points shall be borne in mind when registering an offence.

1. Write the FIR immediately with all available details, and enter the fact, at once in the GD, mentioning the name of the complainant or informant, father's/husband's name, age, occupation and residence, the time of reporting at the police station and brief particulars of the report, including the crime number and section of law and indicating the action taken.
2. Obtain the signature or, if he is an illiterate, the thumb impression of the complainant or informant on all the pages of the statement.

3. Record all available facts of the case if complaint is made orally in unambiguous terms and make sure that no important point is omitted.
4. Use ballpoint pen with black ink used for document writing, for writing the FIR or print on a typewriter or on computer printer and make copies by carbon process or photocopying, as the case may be. The hand written typed complaint can even be scanned, if need be.
5. Do not make corrections, erasures, or over-writings. If a correction is necessary, strike out the word/words, leaving them still legible, and attest it.
6. Record on the original written statement report of the informant, the date and hour of its receipt and through whom it was received.
7. Ascertain and incorporate in the FIR the reasons for the delay, if any, in the receipt of the report or in the making of the complaint at the police station.
8. Register a case even if the information is from the accused.
9. In cases registered *suo moto*, satisfy yourself that the FIR contains a full and correct record of all facts and circumstances relating to the offence and the offenders, including the names of witnesses, if any.
10. Fill in the following columns of the FIR correctly:

- A. Date and hour of occurrence (If the correct time is not known, give the approximate time and, if the exact date of occurrence is not known, place it between two dates).
- B. Date and hour when reported
- C. Place of occurrence and distance and direction from police station.
- D. Date of dispatch from the police station.
- E. Name and residence of informant or complainant (The complainant's or informant's full name with aliases, if any, address and father's name).
- F. Name and residence of the accused. (The full name of each of the accused with aliases, if any, address and father's name).
- G. Brief description of the offence, with section and details of property stolen/taken away, if any. Note the section of law and *modus operandi* classification, and the details and value of stolen property. If the list of stolen property is lengthy, it must be made on a separate sheet of paper and attached to the FIR and the fact mentioned in this column. In such a case, the list should bear the signatures of both the complainant and the SHO.
- H. Reason for any delay in recording information or lodging complaint.
- I. Signature and designation of the recording officer should be on all the pages.

- J. Use only the prescribed form and fill up all the columns accurately on the basis of available information using words and symbols prescribed, correctly in brief language, which brings out essential features of the crime. It is not advisable to use such words as “Nil” when information in particular column is not available at the moment.
11. The copy of FIR should be dispatched or made available to the following officer by the earliest possible means:
- A. The area Magistrate (in original)
 - B. Superintendent of Police
 - C. Sub-Divisional Police Officer
 - D. Station file
 - E. The complainant or informant
 - F. To the concerned Police Station/Department if the crime reported pertains to their jurisdiction
12. Attach the original written complaint to the original copy of the FIR to be sent to the Magistrate.
13. Dispatch the copies of the FIR to the Magistrate (in original) and other officers without any delay and enter the manner, the date and hour of dispatch in the concerned records.

14. Satisfy yourself that the copies of the FIR are delivered promptly under proper acknowledgment, if sent through messenger. If sent by post, obtain a certificate of posting.

15. In special report cases, send copies of FIR through courier or speed post or by express messengers, if delivery is local, or by fax or e-mail.