

What is an FIR?

First Information Report (FIR) is a written document prepared by the police when they receive information about the commission of a cognizable offence. It is a report of information that reaches the police first in point of time and that is why it is called the First Information Report. It is generally a complaint lodged with the police by the victim of a **cognizable offence** or by someone on his/her behalf. Anyone can report the commission of a cognizable offence either orally or in writing to the police. Even a telephonic message can be treated as an FIR.

Cognizable offence: A cognizable offence is one in which the police may arrest a person without warrant. They are authorised to start investigation into a cognizable case on their own and do not require any orders from the court to do so.

Importance of FIR: -The FIR is a very important document as it sets the process of criminal justice in motion. It is a statement made soon after the occurrence, hence the memory of the information is fresh and it is also unlikely that he had opportunity to fabricate. It is only after the FIR is registered in the police station that the police takes up investigation of the case.

Duty to register Fir: It's a duty of the officer in charge of a police station is legally bound to register the first information report. If the allegation made give rise to an offence which can be investigated without obtaining any permission from the magistrate concerned

Who can lodge an FIR?

Anyone who knows about the commission of a cognizable offence can file an FIR. It is not necessary that only the victim of the crime should file an FIR. A police officer who comes to know about a cognizable offence can file an FIR himself/herself.

What is the procedure of filing an FIR?

The procedure of filing an FIR is prescribed in Section 154 of the Criminal Procedure Code, 1973.

- When information about the commission of a cognizable offence is given orally, the police must write it down.
- 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 information has been recorded by the police, it must be signed by the person giving the information. You should sign the report only after verifying that the information recorded by the police is as per the details given by you.
- People who cannot read or write must put their left thumb impression on the document after being satisfied that it is correct record.
- Always ask for a copy of the FIR, if the police do not give it to you. It is your right to get it free of cost.

Where to lodge FIR:

An F.I.R. can be lodged in the police station of the concerned area in whose jurisdiction the offence has been committed. FIR is always to be written by an officer in charge of a Police Station. According to sec. 36 of Cr.P.C. Police officers superior in rank to officer in charge of a Police Station may exercise the same powers through the local area to which they are appointed, as may be exercised by SHO within the limit of his Police Station.

What should you mention in the FIR?

1. Your name and address;
2. Date, time and location of the incident you are reporting;
3. The true facts of the incident as they occurred;
4. Names and descriptions of the persons involved in the incident;
5. Witnesses, if any.

You should NOT do these things:

- * Never file a false complaint or give wrong information to the police. You can be prosecuted under law for giving wrong information or for misleading the police.
- * Never exaggerate or distort facts.
- * Never make vague or unclear statements.

Investigation by Police

On the basis of FIR the police starts investigation. Sec. 156, of Cr. P.C. 1973 states that an officer in charge of Police Station is empowered to investigate any cognizable offences which occur within his jurisdiction. Section 157 of Cr. P.C., 1973 empowered the officer in charge of police station to depute a subordinate officer not being below such rank as the state Govt. may by general or special orders prescribed in this behalf to proceed to the place and to investigate the factors and circumstances of cases and, if necessary, to take measures for the discovery and arrest of the offender.

What can you do if your FIR is not registered?

* You can meet the Superintendent of Police or other higher officers like Deputy Inspector General of Police & Inspector General of Police and bring your complaint to their notice.

* You can send your complaint in writing and by post to the Superintendent of Police concerned. If the

Superintendent of Police is satisfied with your complaint, he shall either investigate the case himself or order an investigation to be made.

* You can file a private complaint before the court having jurisdiction.

The following are the essential ingredients of the FIR:

- It must be information relating to the commission of a cognizable offence.
- It must be given to an officer -in -charge of a Police Station.
- It must be reduced to writing, if given orally.
- It should be appended by the signature of the informer (Refusal to sign the report is punishable u/s 180 IPC).
- It should be read over to the informer.
- The gist of the information should be entered in the Station General Diary.
- A copy should be given forthwith free of cost to the informer

FIR ACCORDING TO CRIMINAL PROCEDURE CODE, 1973:

According to CHAPTER XII - INFORMATION TO THE POLICE AND THEIR
POWERS TO INVESTIGATE SECTION 154 OF CRIMINAL PROCEDURE CODE,
1973

Information in cognizable cases -

(1) Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf

(2) A copy of the information as recorded under sub-section

(1) shall be given forthwith, free of cost, to the informant

(3) Any person, aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section

(1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence

Section 155. Information as to non-cognizable cases and investigation of such cases

- (1) When information is given to an officer in charge of a police station of the commission within the limits of such station of a non-cognizable offence, he shall enter or cause to be entered the substance of the information in a book to be kept by such officer in such form as the State Government may prescribe in this behalf, and refer, the informant to the Magistrate
- (2) No police officer shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial
- (3) Any police officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a police station may exercise in a cognizable case
- (4) Where a case relates to two or more offences of which at least one is cognizable, the case shall be deemed to be a cognizable case, notwithstanding that the other offences are noncognizable

Punishment for false information:

Section 177 of the IPC contains penal provision for the persons providing false information. This section says that “Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows of has reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both”.

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