

# First Information Report – FIR – the Basics



▶ It is mandatory for the SHO to lodge an FIR if a complaint made by you discloses the commission of a **cognizable offence**. You have the right to obtain a copy of the FIR.

▶ In case your complaint discloses the commission of a **non-cognizable offence**, an entry is required to be made in the daily diary and you have the right to obtain a copy. You may thereafter approach the area magistrate u/s 155 Cr. P.C. for appropriate orders.

**IF SUCH ACTION IS NOT TAKEN ON YOUR COMPLAINT YOU MAY INFORM THE VIGILANCE CONTROL ROOM (24X7) - 23213355**

You may also file your complaint with the DCP of the District, Jt. CP of the Range, Special CP/Vigilance or Commissioner of Police.

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DP/19286/10

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## An FIR ( First Information report )

can only be lodged for a " Cognizable " Offense. The Offense category is clearly explained in the CrPC / IPC section it falls under. So, if there is no FIR to begin with, the issue of Bail does not arise.

### Cognizable Offence

Police is empowered to register the FIR and investigate only the cognizable offenses. Police can arrest an accused involved in cognizable crime without the warrant from the Court. Theft, robbery, murder and rape are some instances of cognizable offenses.

### **Non-cognizable Offence**

Here, Police can neither register the FIR nor can investigate or effect arrest without the express permission or directions from the court . Includes minor offenses such as abusing each other, minor scuffles without injuries, intimidation etc. For such cases, Police Station is required to record an abstract of such complaint in the General Diary which is called N.C. and advise the complainant to file the complaint in the concerned court as police is not empowered to initiate action in such matters without the directions of the court. Copy of such entry into the General Diary is provided free of cost to the Complainant.

### **First Information Report (FIR)**

Report pertaining to occurrence of a cognizable offence, received at the Police Station is called First Information Report, popularly known as FIR. On receipt of this information police registers the report in a FIR Register and begins the investigation of the crime.

No charges/ costs are leviable for filing an FIR and a Copy of the same is to be provided to the Complainant Free of Cost.

### **Lodging a False FIR**

Is an Offense under S. 182 and S. 211 of IPC. People affected by such a complaint could also have recourses. For example, defamation per S. 182 of IPC.

### **Police Refusing to File FIR for a Cognizable offence**

You have the following recourses, depending upon the circumstances of the case and the facts/ evidences available with you.

**1) Send information in writing** to Senior Police Officers such as Commissioner police, SP of the zone by Registered post, AD. Even E-mail can nowadays start the process.

**2) File an RTI**

**3) File a Vigilance/ Anti Corruption complaint** against the concerned Police Officers.

**4) Use S. 190 CrPC which says :**

**Cognizance of offenses by Magistrates- section-190 of Cr.P.C**

(1) Subject to the provisions of this Chapter, any Magistrate of the first class, and any Magistrate of the second class specially empowered in this behalf under sub-section (2), may take cognizance of any offense –

(a) upon receiving a complaint of facts which constitute such offense;

(b) upon a police report of such facts;

(c) upon information received from any person other than a police officer, or upon his own knowledge, that such offense has been committed.

(2) The Chief Judicial Magistrate may empower any Magistrate of the second class to take cognizance under sub-section (1) of such offenses as are within his competence to inquire into or try.