



# The Indian Journal for Research in Law and Management

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Editor-in-Chief – Prof. (Dr.) Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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## **AN OVERVIEW: FIRST INFORMATION REPORT (FIR)**

### **INTRODUCTION**

First information Report commonly known as FIR. It means an information recorded by police officer who is on duty given by person or the one who has witnessed it. FIR is registered for Cognizable Crimes. Information must be related to cognizable offence otherwise it will be registered under Non Cognizable Report or in general Diary. According to this Information Investigation Starts. FIR is to be in written form.<sup>1</sup>

**CASE:** State of Rajasthan v. Shiv Singh

In this case the court decide that "the statement made by the report writer at a police station in front of a police officer, as documented in the manner prescribed by the Code's provisions."

According to section 154 of Code of Criminal Procedure, 1973 defines as to what amount of First Information / Section 175 of BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 defines Police officer's power to investigate cognizable case.

Section 175 of BNSS talks about:

The Superintendent of Police may, in light of the nature and seriousness of the offense, either conduct the investigation themselves or designate the Deputy Superintendent of Police to conduct the investigation.

- (1) Any officer in charge of a police station may, without the consent of a Magistrate, investigate any cognizable case that a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIV.
- (2) In a case of this kind, no police officer's proceeding may ever be questioned on the grounds that the officer was not authorized by this section to look into the case.

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<sup>1</sup> <https://blog.ipleaders.in/first-information-report-everything-important-you-should-know-about/>

- (3) Any Judicial Magistrate empowered under section 210 may order the aforementioned investigation after taking into account the police officer's statement and the application made under clause (b) of sub-section (4) of section 173.
- (4) Upon receiving a complaint against a public servant arising during the course of the official's duties, any Judicial Magistrate empowered under section 210 may take cognizance, subject to—
- (a) obtaining a report detailing the incident's facts and circumstances from the officer in charge of him; and
- (b) after taking into account the public servant's claims regarding the circumstances leading up to the incident in question.<sup>2</sup>

### **Who Can File FIR?**

- FIR can be filled by any person.
- It is not necessary that it should be by victim. It can be any one whether the injured person or an eye witness.<sup>3</sup>

### **What if FIR Is Registered or Not?**

- The person who is Eye Witness or an injured person has to report FIR in the police station where crime has been committed.
- If police officer registered the FIR then the investigation period starts. Police will collect evidence then prepare a charge sheet or police report then submit it to the magistrate. Magistrate will decide whether to take cognizance or not. If he takes cognizance then the trial period will start. Magistrate will ask questions according to the charges and will be framed and then judgement will be delivered.

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<sup>2</sup> Section 175 of BNSS: (1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIV: Provided that considering the nature and gravity of the offence, the Superintendent of Police may either himself investigate or require the Deputy Superintendent of Police to investigate the offence. (2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate. (3) Any Judicial Magistrate empowered under section 210 may, after considering the application made under clause (b) of sub-section (4) of section 173 and submission made in this regard by the police officer, order such an investigation as above-mentioned. (4) Any Judicial Magistrate empowered under section 210, may upon receiving a complaint against a public servant arising in course of the discharge of his official duties, take cognizance, subject to— (a) receiving a report containing facts and circumstances of the incident from the officer superior to him; and (b) after consideration of the assertions made by the public servant as to the situation that led to the incident so alleged

<sup>3</sup> <https://www.legalserviceindia.com/Criminallaws/fir.htm>

- If police officer didn't register the complaint then person can directly go too S.P and tell him about the complaint and then he can tell police officer to investigate and record the FIR.
- If Police and S.P both decline to register the complaint then person can directly went to Judicial magistrate and then first judicial magistrate will ask that why police is not taking your complaint, what's the issue, etc. but reason should be justified.
- After listening complaint Judicial magistrate will give you two option Complaint and Application.
- Application means where you want investigation but from other officer For example: A went to Judicial Magistrate and tell to him that I want that investigation of my case will not be done by X officer I want Officer Y to investigate it.
- Complaint Means where you don't want investigation, you directly want your complaint to be registered and trial will be begin.

### **What Type of Data Is Involved in an F.I.R.?**

- Information obtained after the inquiry was launched.
- Telephone information is reduced to writing by S.H.O. unless it has been provided by a known individual who reveals his identity and the message includes all the elements required to be considered an offense.
- Details about a simple gathering of a few people.
- Unauthorized, vague, and ambiguous information.

### **CONCLUSION**

The FIR serves as the foundation for the entire legal system. It is an extremely important record in any criminal prosecution. It signifies the start of the criminal investigation. Even though registering a FIR is easy, it's still important for the investigation to start. An FIR is the bible of the case initiated on the public record, as was correctly noted in the 1988 Mohan Lal v. State of Uttar Pradesh case. Therefore, it is imperative that every citizen is aware of their rights when it comes to filing a FIR. These are very helpful in figuring out the proper course of action for someone who wants to report a crime or speak out against public offenses.