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ROLE OF POLICE IN FIR

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ABSTRACT

This abstract offers an overview of a study exploring the concept and significance of First Information Reports (FIRs) within the context of the criminal justice system. An FIR represents the initial and vital step taken by the police upon becoming aware of a reportable offense. The study delves into the roles and obligations of law enforcement in both situations involving offenses that can be directly pursued (cognizable) and those that require a formal complaint (non-cognizable) in relation to FIR.

When dealing with cognizable offenses, the police hold the duty of promptly registering the FIR, conveying its details to the complainant, and ensuring a thorough investigation. This procedure entails precise documentation of incident particulars, such as the time, date, location, and nature of the offense. Specific protocols are followed in cases involving women as victims. A significant role is played by the Station House Officer (SHO) in supervising investigation progress, evidence collection, and adherence to legal responsibilities.

In the instance of non-cognizable offenses, the police succinctly record key information in a designated record and guide the informant to approach a Magistrate for further steps. It's important to note that police are not authorized to launch an investigation without explicit authorization from the Magistrate.

The study draws upon pertinent legal cases to validate its conclusions. Notable instances include the acceptance of filing a subsequent FIR against the same accused person based on different allegations, the justification of delayed FIR filing due to familial considerations, and the principle that an FIR cannot be refused solely on the grounds of missing suspect names.

In its closing, the study underscores the foundational role of the FIR in initiating criminal proceedings and proposes enhancements for the FIR process. These recommendations encompass the application of digital reporting technologies, the establishment of specialized divisions for distinct offense categories, the adoption of audio-visual recording for FIR registrations, mechanisms to monitor case progression, and strengthened collaboration between law enforcement agencies, the judiciary, and legal aid entities. The ultimate aim of these suggestions is to bolster accessibility, efficiency, and equity in the criminal justice system while upholding procedural integrity.

KEYWORDS: First Information Report, Role of Police, FIR, Cognizable Offences, Non-Cognizable Offences

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INTRODUCTION

Police create a First Information Report (FIR), a written document when they become aware of a cognizable offence². The term "First Information Report" refers to information that, as the name implies, is the first to reach the police department. Typically, the victim or a representative of the victim contacts the police to report a crime. This power extends to individuals who have been victimized, those who have seen the incident, and any anyone who possesses knowledge regarding the commission of the crime, including law enforcement personnel. Anyone can verbally or in writing report a criminal offence.

The elements of an FIR are as following³:

- Information relates to commission of cognizable offence
- It can be given either in written or oral.
- The document must be signed by the informant, and a note shall be made in the daily diary by the police.

In a non-cognizable case, the police cannot take either of these actions without the court's express permission⁴.

The project includes the police's role in filing FIRs for both cognizable and non-cognizable offenses incorporated with the responsibilities and possible recommendations.

ANALYSIS

The police play the following roles in FIR:

In Cognizable Cases

- The primary responsibility of the police officer overseeing a police station is to register the First Information Report (FIR) promptly and proactively upon being informed about the occurrence of a cognizable offense and afterwards communicate its contents to the complainant upon receiving information. The legislative mandate underscores the role of the police as the initial interface with the court system, wherein the primary purpose of recording the informant's testimony is to provide a foundation for further investigation and legal proceedings⁵. The notion of timely registration under the Code of Criminal Procedure (CrPC) aims to mitigate any potential delays or biases in the reporting of criminal incidents, so ensuring the fair and unobstructed administration of justice.

² Code of Criminal Procedure, 1973, §2 cl.c, No. 2, Act of Parliament, 1973.

³ Moni Mohan v. Emperor, AIR 1931 Cal 745.

⁴ Code of Criminal Procedure, 1973, §154 and §155 r/w §2, No. 2, Act of Parliament, 1973.

⁵ Jitendar Kumar v. State of Haryana, AIR 2012 SC 2488.

- A methodical process is adhered to while recording details in a First Information Report (FIR) to ensure the preservation of precision and comprehensiveness⁶. The individual responsible for lodging the First Information Report (FIR) must diligently document the account provided by the informant. According to the informant's report, this recording contains the essential particulars of the claimed offense, encompassing the time, date, place, and type of the incident. The significance of accurate information documentation in First Information Reports (FIRs) lies in its role as an impartial record, essential for upholding the principles of justice inherent in the criminal justice system. It serves to promote transparency, avoid misrepresentations, and uphold these fundamental goals.
- If the information is provided by the woman against whom the alleged injury or sexual offence⁷ was committed or attempted, a female officer is responsible for recording it.
- The role of the Station House Officer (SHO) is crucial in the administration of First Information Reports (FIRs), the Station House Officer (SHO) assumes the responsibility of overseeing the subsequent course of action subsequent to the registration of a First Information Report (FIR). This entails the supervision of the inquiry's trajectory, the assignment of appropriate people, and the assurance of a thorough and impartial execution of the investigation.
- The Station House Officer (SHO) has responsibility for supervising the collection and preservation of evidence, monitoring the progress of the investigation, and ensuring compliance with all legal obligations. The Station House Officer (SHO) diligently carries out these duties to ensure that the First Information Report (FIR), which serves as the principal legal document in a criminal case, is transformed into a meticulously conducted investigation that upholds the principles of justice and equity as outlined in the criminal justice system.
- In instances where the informant is mentally or physically incapacitated, either temporarily or permanently, it becomes the obligation of the police officer to ensure that the information regarding the offence⁸ is documented either at the residence of the individual seeking to report the offence or at a location chosen by the individual. This documentation should take place in the company of an interpreter or a specially trained teacher, depending on the circumstances⁹. The process of documenting said information shall involve the use of video recording¹⁰, wherein the police office is required to obtain a statement from the individual, which must be recorded in the

⁶ Patai alais Krishna Kumar v. State of Uttar Pradesh, AIR 2010 SC 2254.

⁷ Offences under section 326A, 326B, 354, 354A, 354B, 354C, 354D, 376 or 509 of The Indian Penal Code, 1860.

⁸ Ibid. Pg. 4. i

⁹ Code of Criminal Procedure, 1973, §154, Proviso (a), No. 2, Act of Parliament, 1973.

¹⁰ Code of Criminal Procedure, 1973 §154, Proviso (b), No. 2, Act of Parliament, 1973.

presence of a judicial magistrate¹¹¹².

- The officer accountable for registering the First Information Report (FIR) is obligated to provide a free copy of the FIR to the informant.
- If a person feels wronged by a police station officer's refusal to document the information specified in sub-section (1), they have the option of communicating the essence of said information in writing to the relevant Superintendent of Police via postal service. When the Superintendent of Police determines that the information reveals the occurrence of a cognizable offense, he or she may choose to personally investigate the case or delegate the task to a subordinate police officer. The investigation shall be carried out in accordance with the procedures outlined in this Code, and the designated officer shall have all the capacity granted to an officer in charge of a police station in relation to that specific offense¹³.

In Non-Cognizable Cases

- When a person provides information about a non-cognizable offense to the officer in charge of a police station within the jurisdiction of said station, the officer is required to record the essence of the information in a designated book, according to the State Government's prescribed format. The officer must then direct the informant to approach the Magistrate¹⁴.
- As per legal protocol, a police officer must not begin an investigation into a non-cognizable case unless explicitly authorized by a Magistrate who has the jurisdiction to preside over the case or has the authority to transfer it for trial¹⁵.
- Except for the power to make an arrest without a warrant, a police officer who receives such an order is authorized to exercise equivalent powers in relation to the investigation. These are like the powers that an officer in charge of a police station may exercise in a cognizable case¹⁶.

CASE LAWS

In the case of **P. Sreekumar v. State of Kerala**¹⁷ it was held that filing a second First Information Report (FIR) against the same accused individual and pertaining to the same incident mentioned in the first FIR is considered permissible, especially when the second FIR

¹¹ Code of Criminal Procedure, 1973, §154, Proviso (c), No. 2, Act of Parliament, 1973.

¹² Code of Criminal Procedure, 1973 §164, sub-section (5A), cl. (a), No. 2, Act of Parliament, 1973.

¹³ Code of Criminal Procedure, 1973, §154, No. 2, Act of Parliament, 1973.

¹⁴ Code of Criminal Procedure, 1973, §154 cl.1, No. 2, Act of Parliament, 1973.

¹⁵ Code of Criminal Procedure, 1973, §154 cl. 2, No. 2, Act of Parliament, 1973.

¹⁶ Code of Criminal Procedure, 1973, §154 cl. 3, No. 2, Act of Parliament, 1973.

¹⁷ P. Sreekumar v. State of Kerala, AIR 2018 SC 1482.

is submitted as a counter-complaint by another person, based on a distinct allegation. As a result, law enforcement officials lack the authority to deny the statement.

In the case of **Harpal Singh v. State of Himachal Pradesh**¹⁸ it was held that Based on the ruling, the prosecution has provided a reasonable explanation for the ten-day delay in filing the initial information report. It was said that due to the potential impact on the family's honour, the individuals involved required further time to deliberate on whether to pursue legal action.

In the case of **Mukesh v. State of NCT of Delhi**¹⁹, it was held that Police officers cannot refuse to file a First Information Report (FIR) solely because the names of the suspects are missing. This failure to provide names should not be used to cast doubt on the prosecution's case.

CONCLUSION

The First Information Report (FIR) is the initial step in the criminal procedure, initiating the subsequent legal proceedings that lead to the trial and punishment of the criminal. In addition, it is the primary piece of evidence upon which the prosecution bases its entire case. As stated correctly in the court case *Mohan Lal v. State of Uttar Pradesh*²⁰, the First Information Report (FIR) serves as the foundational document for criminal proceedings initiated in response to a public report. Instating the suggestions for FIR- The use of digital reporting technologies to facilitate efficient and convenient filing is crucial for enhancing the First Information Report (FIR) procedure in accordance with the provisions outlined in the “Code of Criminal Procedure, 1973”. Equally important is the comprehensive training of police employees to ensure their ability to handle complaints in an unbiased and compassionate manner. One proposed approach is to create distinct divisions dedicated to different types of offenses, ensuring a more specialized handling of each case. Additionally, it is suggested to implement audio-visual recording of First Information Report (FIR) registrations to enhance documentation. Furthermore, to promote openness, mechanisms should be established to enable complainants to track the progress of their cases. To enhance the accessibility, efficacy, and equity of the criminal justice system, it is imperative to enhance interdepartmental collaboration among law enforcement agencies, the judiciary, and legal aid organizations. Additionally, it is crucial to regularly evaluate First Information Reports (FIRs) to uphold procedural adherence and ensure the production of comprehensive and reliable documentation.

¹⁸ Harpal Singh v. State of Himachal Pradesh, AIR 1981 SC 361.

¹⁹ Mukesh v. State of NCT of Delhi, AIR 2017 SC 2161.

²⁰ Mohan Lal Pangasa vs The State Of U.P., AIR 1974 SC 1144.