

# DIFFERENCE BETWEEN COMPLAINT AND FIR INVESTIGATION AND INQUIRY INQUIRY AND TRIAL

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## DIFFERENCE BETWEEN COMPLAINT AND FIR

### COMPLAINT

1. Complaint is defined under section 2(d) of CrPC.
2. It is an allegation which is made orally or in writing to a magistrate.
3. A complaint may relate to a cognizable offence or non-cognizable offence.
4. A magistrate takes cognizance of an offence on a complaint made to him. But he can not do so in FIR.
5. Complaint does not include the report of police officer.

### FIR

1. FIR is given under Section 154 of CrPC.
2. FIR is given to an officer in charge of a police station.
3. FIR is related to a cognizable offence.
4. In FIR magistrate takes cognizance on report of police officer under section 190(1)(b).
5. The FIR of an offence may be given by anybody including police officer.

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## **FIR**

1. FIR is given under **Section 154 of CrPC**.
2. FIR is given to an officer in charge of a police station.
3. FIR is related to a cognizable offence.
4. On FIR the magistrate can take cognizance.
5. The FIR of an offence may be given by anybody including police officer.

# DIFFERENCE BETWEEN INVESTIGATION AND INQUIRY

## INVESTIGATION

### Section 2(h)

1. An investigation is made by a police officer or by some person authorised by a magistrate.
2. The object of an investigation is to collect evidence for the prosecution of the case.
3. Investigation is the first stage of a criminal case.
4. Investigation is not a judicial proceeding.

## INQUIRY

### Section 2(g)

1. Inquiry is made by magistrate or court. Investigation is never made by magistrate or court.
2. The object of inquiry is to determine the truth or false of certain facts with a view to take in further action.
3. Inquiry is the second stage of a case.
4. Inquiry is a judicial proceeding.

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# DIFFERENCE BETWEEN TRIAL AND INQUIRY

Both are judicial proceedings.

## TRIAL

1. A trial is always for an offence.
2. A trial ends in acquittal or conviction of an accused.
3. Trial is the examination and determination of cause by a judicial tribunal.
4. Trial follows inquiry.
5. Trial is the third stage.

## INQUIRY

1. An inquiry does not necessarily relate to only offences.  
*For Example- Inquiry made in disputes relating to an immovable property with regard to possession, public nuisance or for the maintenance of wives.*
2. An inquiry into a offence never ends in a conviction or acquittal.
3. Inquiry includes every inquiry other than a trial conducted by magistrate or court.
4. Inquiry precedes trial.
5. Inquiry is the second stage in a criminal case.

## TRIAL

Inquiry is different from trial. Trial is **not** defined in the code. Trial was defined in the code of 1872, but it has not been defined in the subsequent code 1882, 1898 and 1973.

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