

Extremely Important

INFORMATION AND INVESTIGATION

FIR

FIR on Telephone

Where FIR is lodged

Delay in filing FIR

Evidentiary value of FIR

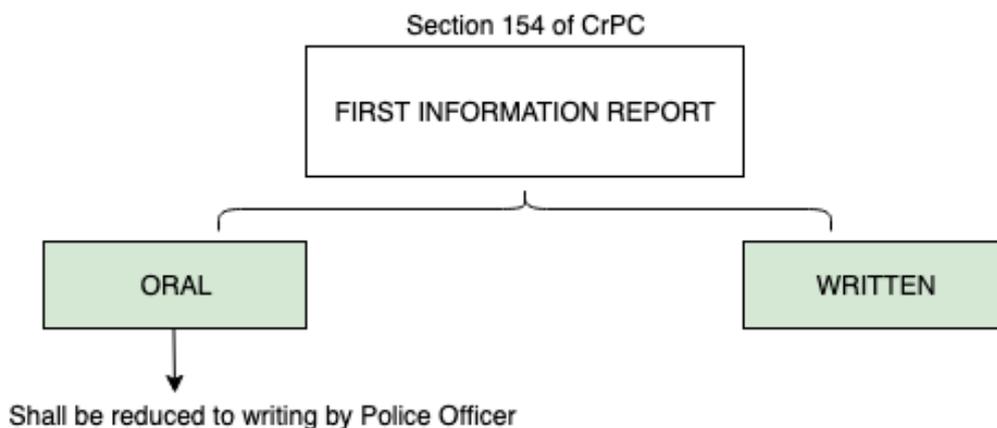
Confessional FIR etc

CRPC NOTES : INFORMATION AND INVESTIGATION

(Chapter 12, Section 154-176)

Information → To Police

Investigation → By Police



Section 154 : FIR, First Information Report

This section has three objects-

1. To inform the magistrate of the district and the DSP who are responsible for the peace and safety of the district of the offences reported at the police station.
2. To make known to the judicial offices before whom the case is ultimately tried.
3. To safeguard the accused against subsequent variation or additions.

FIR

FIR is NOT defined in CrPC. It may be defined under following points-

1. It is an information which is given to the police officer.
2. Information must relate to a cognizable offence.
3. It is an information first in point of time.
4. On the basis of FIR investigation starts.
5. Such information may be oral or in writing.
6. If it is oral then it must be reduced in writing by police officer and must be read over to the informant and sign must be there of the informant.

7. After the information it is the duty of police officer to mention the substance of information in general diary.

According to clause 2 of **section 154**, a copy of FIR must be given free of cost to the informant.

Non supply of copy of FIR

There is a question that the provisions of section 154(2) are directory or mandatory. **The answer is directory.** Mere non supply of copy of FIR to informant does not vitiate the registration of FIR.

State of UP v Mukesh 2013

Hon'ble Supreme Court held that FIR is intimation about occurrence of incident.

State of Haryana v Chaudhary Bhajan Lal 1992

It was held that when any information disclosing a cognizable offence is laid before the officer in charge of a police station, he has no option but to register the case on the basis of such information.

FIR on Telephone

Cryptic (mysterious, confusing, mystifying, perplexing, puzzling, obscure) and ambiguous (open to debate/ argument, arguable, debatable; obscure, unclear, imprecise, vague, abstruse, doubtful, dubious, uncertain) telephone message which do not clearly specify a cognizable offence cannot be treated as FIR.

But where there is proper information about the commission of a cognizable offence and is reduced in writing by police officer then it can be treated as FIR.

Where FIR is lodged?

The general rule is that ordinarily the information about the offence committed is to be given to the police station having territorial jurisdiction where the offence has been committed. But this does not mean that it can not be lodged elsewhere.

In the case of,

State of AP v Punati Ramulu 1993 SC

The police constable refused to record the information on the ground that the said police station had no territorial jurisdiction over the place of crime. It was held by the Supreme Court that such refusal is a negligence of duty on the part of the constable. Because any lack of territorial jurisdiction could not have prevented the constable from recording information about the cognizable offence and forwarding the same to the police station having jurisdiction over the area in which the crime was said to have been committed.

Delay in Filing FIR

Harpal Singh & Anr v State of Himachal Pradesh

In this case Hon'ble Supreme Court held that if in a rape case lodging of FIR was delayed for 10 days, the delay will be deemed to have been reasonably explained where the

honour of the family was involved and members had to decide whether to take the matter to court or not.

Delay lodged FIR loses its weightage but if there is a satisfactory reason behind the delay then it may be excused. Where the delay in filing FIR is due to its being lodged at a wrong police station, it was held to be a reasonable reason. In rape cases the delay cannot diminish the weightage of FIR.

State of Punjab v Gurmit Singh (1996)

In this case Supreme Court held that in sexual offences the delay in lodging FIR is reasonable because of the reputation of victim or her family members. They can take time to think to go to police station or not.

Evidentiary value of FIR

A FIR is not a substantive piece of evidence. No person can be convicted only on the basis of FIR.

In the cases of,

Hasib v State of Bihar AIR 1972 SC and *Damodar Prasad v State of Maharashtra AIR 1970 SC*;

Hon'ble Supreme Court held that FIR may be used to corroborate the statement of the maker under **section 157 of Indian Evidence Act**, or to contradict under **section 145 of Indian Evidence Act**.

Confessional FIR

A confessional FIR by the accused to the police officer cannot be used against him in view of **section 25 of the Indian Evidence Act** and the information by the accused

with the confessional FIR is relevant under [section 27 of Indian Evidence Act](#).

Second FIR Illegal

It is a well settled principle of law that there can be no second FIR in the event of any further information being received by the investigating agency in respect of offence.

Quashing of FIR

High Court is having the power to quash FIR under [section 482 of CrPC](#) by using the inherent powers, if High Court is satisfied that there are facts and circumstances for quashing FIR.

Gangadhar Kalita v State of Assam 2015 SC

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