



## First Information Report (FIR)

**For Prelims:** First Information Report (FIR), ZERO FIR, Cognizable Offence & Non-cognizable Offence.

**For Mains:** First Information Report (FIR), Cognizable Offence & Non-cognizable Offence.

### Why in News?

An **First Information Report (FIR)** is a very important document as it sets the **process of criminal justice in motion**. It is only after the FIR is registered in the police station that the police take up **investigation of the case**.

### What is a FIR?

- First Information Report (FIR) is a **written document** prepared by the police when they receive information about the commission of a **cognizable offence**.
- It is a report of information that reaches the police first in point of time and that is why it is called the **First Information Report**.
- It is generally a complaint lodged with the police by the **victim of a cognizable offence or by someone on his/her behalf**. Anyone can report the commission of a cognizable offence either orally or in writing.
- The term FIR is **not defined** in the **Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), 1973**, or in any other law.
  - However, in police regulations or rules, information recorded under Section **154 of CrPC** is known as First Information Report (FIR).
- There are **three important elements** of an FIR:
  - The information must relate to the **commission of a cognizable offence**,
  - It should be given in **writing or orally** to the head of the police station,
  - It must be written down and **signed by the informant**, and its key points **should be recorded in a daily diary**.

### What happens after an FIR is filed?

- The police will investigate the case and **will collect evidence in the form of statements** of witnesses or other scientific materials.
  - They can arrest the alleged persons as per law.
- If there is sufficient evidence to corroborate the allegations of the complainant, then a **charge sheet will be filed**. Or else, a **Final Report** mentioning that no evidence was found will be filed in court.
- If it is found that no offence has been committed, a **cancellation report** will be filed.
- If no trace of the accused persons is found, an **'untraced' report** will be filed.
- However, if the court does not agree with the investigation report, it can order further investigation.

### What if the police refuse to register an FIR?

- Under **Section 154(3) CrPC**, if any person is aggrieved by the refusal on the part of the officer in charge of a police station to register an FIR, she can send the complaint to the **Superintendent of Police/DCP concerned**.
  - Who, if satisfied that such information discloses the commission of a cognizable offence, will either investigate the case, or direct an investigation by a subordinate police officer.
- If no FIR is registered, the aggrieved persons can file a complaint under Section 156(3) CrPC **before a concerned court** which, if satisfied that a cognizable offence is made out from the complaint, will direct the police to register an FIR and conduct an investigation.

### What is a Zero FIR?

- When a police station receives a complaint regarding an alleged offence that has been committed in the **jurisdiction of another police station**, it registers an FIR, and then **transfers it to the concerned police station** for further investigation.
  - This is **called a Zero FIR**.
- **No regular FIR number is given**. After receiving the Zero FIR, the concerned police station registers a fresh FIR and starts the investigation.

### What is Cognizable Offence & Non-cognizable Offence?

- **Cognizable Offence:** A cognizable offence is one in which the police may arrest a person without warrant.
  - They are authorised to start investigation into a cognizable case on their own and do not require any orders from the court to do so.
- **Non-cognizable Offence:** A non-cognizable offence is an offence in which a police officer has no authority to arrest without warrant.
  - The police cannot investigate such an offence without the court's permission.
  - In case of non-cognizable offences, an FIR under **Section 155 CrPC** is registered.
  - The complainant will be asked to approach a court for an order. The court may then direct the police to conduct an investigation on the complaint.

### What is the difference between a complaint and an FIR?

- The CrPC defines a **“complaint”** as **“any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence, but does not include a police report.”**
- However, an FIR is the document that has been **prepared by the police after verifying the facts of the complaint**. The FIR may contain details of the crime and the alleged criminal.
- If, on the basis of a complaint, it appears that a cognizable offence has been committed, then an FIR under **Section 154 CrPC will be registered**, and police will open an investigation. If no offence is found, the police will close the inquiry.

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