



FIR and General Diary

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Why in News?

The [Supreme Court\(SC\) of India](#) in the case *Shailesh Kumar v. State of UP (now State of Uttarakhand) 2024* has clarified the legal position regarding the registration of [First Information Reports \(FIRs\)](#) and **General Diary** entries by the police.

- The apex court has held that information disclosing the commission of a [cognisable offence](#) **needs to be recorded as an FIR** in the designated FIR book, **rather than being documented in the General Diary** maintained by the Police under the Police Act, 1861.
- The court emphasised that a **General Diary entry cannot precede the registration of an FIR** unless a preliminary inquiry is deemed necessary.

What is an FIR?

- A first information report (FIR) is a written document **prepared by the police when they receive information about the commission of a cognisable offence.**
 - A cognisable offence is one in which the police can arrest a person without a warrant.
 - The term FIR is **not defined** in the Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), 1973, or in any other law, but in police regulations or rules, information recorded under **Section 154 of CrPC** is known as First Information Report (FIR).
 - that FIR registration is mandatory for cognizable offences under Section 154 of the CrPC. Additionally, it emphasised
- **Exceptions to the Rule of Registering an FIR:** The **SC ruling in Lalita Kumari v. Government of Uttar Pradesh & Others, (2014)** held that FIR registration is mandatory for cognizable offences under Section 154 of the CrPC. Additionally, it emphasised that in certain cases, a preliminary inquiry may be necessary before registering an FIR. These cases are:
 - Matrimonial/family disputes
 - Commercial offences
 - Medical negligence cases
 - Corruption cases
 - Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months delay in reporting the matter without satisfactorily explaining the reasons for delay.
 - The preliminary inquiry must be completed within 7 days.
- The Supreme Court has also held that if the information given to the police does not disclose the commission of a cognisable offence, then the police are **not bound to register an FIR.**
 - In such cases, the police may enter the information in the **General Diary** and inform the informant accordingly.

What is a General Diary?

- A General Diary is a **record of all the activities and incidents that take place in a police station** on a daily basis.
 - **Section 44 of the Police Act, 1861** empowers the State Government to prescribe the

form of the General Diary and the manner in which it shall be maintained.

- The General Diary contains various details such as the:
 - Arrival and departure of police officers
 - Arrest of persons
 - Seizure of property
 - Receipt and disposal of complaints
 - Any other information that the officer in charge of the police station may consider necessary to record.
- **Supreme Court Rulings: In CBI v. Tapan Kumar Singh (2003)**, the Supreme Court ruled that a General Diary Entry may be treated as FIR in an appropriate case, where it discloses the commission of a cognisable offence.

Note

Case Diary is maintained by the investigating officer for a specific case, while the General Diary records all legal events within a police station's jurisdiction.

Aspect	General Diary Entry	FIR
Purpose	Record complaints and incidents for administrative purposes or future reference	Register a cognisable offence for investigation
Nature of Offense	Both cognisable and non-cognisable	Only for cognizable offences
Documentation	Internal police record	For public record
Distribution	Copies are not provided to the complainant or Judicial Magistrate; sent to superior officers	Copies provided to the complainant, superior officers and Judicial Magistrate
Judicial Oversight	Magistrate may inspect General Diary upon request	Magistrate receives copies of FIR for oversight
Complainant's Signature Required	Not required	Required

UPSC Civil Services Examination Previous Year Question (PYQ)

Prelims

Q. With reference to India, consider the following statements: (2021)

1. Judicial custody means an accused is in the custody of the concerned magistrate and such an accused is locked up in a police station, not in jail.
2. During judicial custody, the police officer in charge of the case is not allowed to interrogate the suspect without the approval of the court.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (b)

PDF Refernece URL: <https://www.drishtias.com/printpdf/fir-and-general-diary>

