

# FIR-

## Meaning -

It may be defined as follows:

1. It is a piece of information given to the police officer.
2. The information must relate to a cognizable offence.
3. It is a piece of information reported first in point of time.
4. The victim of the cognizable offence or someone on his/her behalf gives information and lodges a complaint with the police.

This is the information on the basis of which investigation begins. The FIR must be in writing.

In the State of Rajasthan v. Shiv Singh, the Rajasthan High Court defined a First Information Report as '*the statement of the maker of the report at a police station before a police officer recorded in the manner provided by the provisions of the Code.*'

## Essential Conditions of F.I.R.

In Moni Mohan v. Emperor, it was decided that the essential conditions of F.I.R. are:

- It must be a piece of information.
- It must be in writing. If given in writing, should be reduced into writing by the concerned police officer.
- The main act or crime should be cognizable in nature, not the ones subsequent to the main act.

The F.I.R. must be in the nature of complaint or accusation with the object of getting the law in motion.

## Evidentiary Value of F.I.R.

The FIR is not a substantive piece of evidence but can be considered evidence in the following situations:

1. As per Section 173 of the BNSS, the FIR marks the beginning of the investigation proceedings, and on the basis of this investigation, the charge sheet is made under [Section 193](#) of the BNSS.
2. Though the FIR is not a substantive piece of evidence, it helps in corroborating the facts and statements made by the informant and cross-examining him thereafter.
3. As per [Section 6](#) of the BSA, the FIR can be used as proof of the actions of the informant.
4. As per [Section 38](#) of the India BSA, if the informant dies and the statement recorded by the police in the FIR includes the reason for his death or about the events that might lead to his death, then it can act as substantial proof to validate the reasons for his death. This acts as a dying declaration, wherein the person testifies about the circumstances leading to his death.

5. As per [Section](#) 148 of the BSA, the FIR may be used to refute the informant's testimony. This Section allows the contradiction of witnesses during the cross-examination.
6. As per [Section](#) 160 of the BSA, the FIR may be used in support of a witness but cannot be used to refute or undermine the testimony of other witnesses.
7. If the accused himself lodges the FIR, it cannot be used for corroboration or contradiction because the accused cannot be a prosecution witness, and he would very rarely offer himself to be a defence witness as per [Section](#) 353 of the BNSS.

## Types of First Information Report (FIR)

There are different types of FIRs, based on the nature of the offense being reported. Some of the common types of FIRs in India are:

1. **General FIR:** This is the most common type of FIR and is filed to report various offenses such as theft, robbery, assault, vandalism, etc. It provides a detailed account of the incident and the relevant information needed for the investigation.
2. **Zero FIR:** Zero F.I.R logged anywhere around India irrespective of their residence, or place of occurrence of crime. It is transferred to the relevant police station later for further investigation.
3. **Cross FIR:** If both parties lodged FIR against each other regarding the same incident.
4. **Multiple FIR:** When aggrieved persons/parties make multiple FIR for the same incident or cause.

## Difference Between F.I.R and Complaint

The major points of difference are:

F.I.R	COMPLAINT
FIR is not defined under the code.	Complaint is defined u/s 2(d) of the Code 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.[1]
FIR is lodged with an officer in charge of a police station.	Complaint is filed with the Magistrate.
FIR relates to information as to the commission of a cognizable offence.	It may relate to the commission of any offence, whether cognizable or non-cognizable.
The magistrate cannot take into cognizance of an offence.	The magistrate is empowered u/s 210 of BNSS to take cognizance of an offence upon a private complaint.
It is not a substantive piece of evidence.	The complaint itself is substantial evidence.
The FIR once lodged with the police station cannot be withdrawn by the informant.	In a summons case, a complainant can withdraw a complaint against all or any of the accused, at any time before a final order is passed. (Sec. 280)

The informant is not bound to take an oath before the police officer while lodging FIR.

The Complainant must take an oath before the Magistrate.

The informant would not be liable for malicious prosecution if the information furnished by him is found to be incorrect or false.

The complainant is liable for malicious prosecution if the complaint is found to be false.

## **Cases-**

### **Tehal Singh and Ors. v. State of Punjab, 1978**

#### **Facts of the case**

In this [case](#), telephonic communication was received by the police officer in charge, and the court examined the circumstances that are to be considered for such information to be considered an FIR under Section 154 of the CrPC. There was a chain of events involved, for which Tehal Singh was accused of attacking and killing Pirthi Singh. They claimed that they were provoked by Pirthi Singh, but it was not considered part of the same transaction. Tehal Singh contended that he and his companions were falsely involved in this case and that whatever he did was in self-defence.

#### **Issues involved in the case**

Whether the telephonic conversation meets the criteria of an FIR or not?

#### **Judgement of the Court**

The High Court of Punjab and Haryana held that there are certain conditions that must be met to consider telephonic communication an FIR. The Court emphasised the fact that the information given by the informant must be reduced to writing to be considered an FIR as per Section 154 of the CrPC. Further, an appeal was filed in the Supreme Court. The Supreme Court also confirmed the decision given by the High Court and dismissed the appeal. The Supreme Court didn't find any flaw in the session court's judgement, which was then confirmed by the High Court.

### **Lalita Kumari v. Government of UP, 2013**

#### **Facts of the case**

In this [case](#), a writ petition in the Supreme Court was filed by Lalita Kumari's father, Bhola Kamat, under [Article 32](#) of the [Constitution of India](#). Lalita Kumari was the minor daughter of Bhola Kamat. She was kidnapped, and her father lodged an FIR at the nearest police station. The police officers did not take any action to find Lalita Kumari, even after registering the FIR. The case was heard by a five-judge Constitution Bench. The Supreme Court examined the mandatory requirements for filing an FIR under Section 154(1) of the Code. The Court attempted to distinguish between cognizable and non-cognizable offences and laid down guidelines for the procedure related to FIR registration.

#### **Issues involved in the case**

The main issues were the scope, applicability, and obligation of the police while registering an FIR.

### **Judgement of the Court**

The Supreme Court held that the conditions under Section 154(1) of the Code must be strictly adhered to. The police must conduct a preliminary investigation to determine if the nature of the offence is cognizable or non-cognizable. The informant must be told within seven days after the preliminary inquiry is concluded, whether or not the FIR should be filed. If not, then the reasoning must be provided.

### **Conclusion-**

The main objective of filing F.I.R. is to set the criminal law in motion. And also to enable the police officer to start the investigation of the crime committed and collect all the possible pieces of evidence as soon as possible. FIR can be registered in simple steps and is still a significant document for the investigation to begin. As rightly observed in the case of [\*Mohan Lal v. State of Uttar Pradesh \(1988\)\*](#), an FIR is the Bible of the case initiated on the public record. Hence, it is vital for every citizen to understand their rights related to an FIR. These are very helpful in understanding how an individual should proceed if he wishes to report a crime or raise his voice against public offences.