The Criminal Procedure Code (CrPC) is the main body of legislation on procedure for administration of substantive criminal law in India. It recognizes two separate types of offences: cognizable and non-cognizable. It is very important to know the difference since the law takes a different course depending on whether an offence committed is cognizable or not.

**Q. What is the basic difference between cognizable and non-cognizable offences?**

In simplest terms, a cognizable offence is one in which a police officer may arrest without warrant. In a non-cognizable offence, a police officer cannot arrest the accused without a warrant.

**Q. If a police officer cannot arrest the accused without a warrant in a non-cognizable offence, can he/she at least start investigating the matter at hand?**

No. Investigation in a non-cognizable offence cannot even begin without the orders of a Magistrate. If a Magistrate with the power *and* territorial jurisdiction to try the case orders an investigation into the case, the police officer in charge of the case can exercise the same powers as are available to an officer investigating a cognizable offence. In other words, the investigating officer now has powers to arrest without warrant.

Police officials are known to enter false reports to change the nature of a crime from cognizable to non-cognizable. While the short-term ‘benefits’ of doing so are many, society as a whole suffers. It is also wrong and violative of your rights.

**Q. Can an FIR be registered if an offence is non-cognizable in nature?**

No. An FIR is registered only in case of a ***cognizable offence***. In case of a non-cognizable offence, details of the offence are entered in the Daily Diary or Roznamcha. While the signature of the complainant is required on an FIR and a copy of the same must be provided free of cost to the complainant, no such requirement exists with a non-cognizable offence.

The police officer is required to register the details of the complaint in the General/Daily Diary of the police station and no copy of the same is required to be provided to the complainant.

**Q. Is there a list of cognizable and non-cognizable offences?**

Yes. The First Schedule of the CrPC defines a list of cognizable and non-cognizable offences.

<http://law.chdfirms.com/crpc/chapter_38.php>