

OFFICE OF THE INSPECTOR GENERAL OF POLICE
PUDUCHERRY

No. 189/OW/IGP/2020-

Dated: 22.01.2020.

CIRCULAR No. 01/2020

REGISTRATION OF ZERO F.I.R AND WRITTEN COMMUNICATION TO
THE COMPLAINANT, IF THE COMPLAINT IS CLOSED

While hearing Writ Petition (C) No. 5933/2019 titled as "Kirti Vashisht Vs. State of NCT of Delhi & Ors", the Hon'ble High Court of Delhi has observed that the respondent was compelled to run from one Police Station to another, but none of the Police Stations registered the case. The Hon'ble Court also observed that the concerned Police Station later closed the complaints of the respondent. However, there was no communication to the complainant who remained in doubt and confusion regarding her complaints. Thus, she ran from pillar to post to get justice.

The Hon'ble Court further mentioned that it is not in dispute that the provision of "Zero FIR" came up as a recommendation in the Justice Verma Committee Report, in the Criminal Law (Amendment) Act, 2013 after the heinous 'Nirbhaya Case' of December, 2012. The provision says: "A Zero FIR can be filed in any Police Station by the victim, irrespective of their residence or the place of occurrence of crime."

In pursuance of the judgment, dated 29.11.2019 and observations passed by the Hon'ble High Court of Delhi in the above mentioned Writ Petition, all SHOs, CIs & SDPOs are hereby directed to ensure that :-

- a) If any information relating to the commission of a cognizable offence is received in a Police Station, the said Police Station is duty bound to register the F.I.R. However, if the crime has not occurred in the jurisdiction of the said Police Station, a Zero F.I.R. shall be registered.

- b) Once the Zero F.I.R. is registered, the same shall be transferred to the concerned Police Station for further investigation, where the offence has been committed under intimation to the complainant.
- c) Compliance of the Advisory issued by the Ministry of Home Affairs regarding "Registration of F.I.R irrespective of territorial Jurisdiction and Zero F.I.R" vide No. 15011/35/2013-SC/ST-W, dated 10.5.2013 (copy enclosed) be ensured.
- d) In case a complaint is to be closed for any reason, the same shall be closed with reasoned order and the same shall be communicated to the complainant in writing without any delay.

The above directions shall be meticulously complied with. It should be clearly understood that failure to comply with the instruction of registering an FIR on receipt of information about the cognizable offence will invite prosecution of the Police Officer u/s 166A of the IPC for an offence specified u/s 166A or departmental action or both.

M.S. Yadav
22/07/2020
(SURENDER SINGH YADAV, IPS)
INSPECTOR GENERAL OF POLICE
PUDUCHERRY

To

1. All SPs in Puducherry UT.
2. All CIs & SHOs in Puducherry UT.
3. The Web Officer, Police Dept., Puducherry.

Copy to :

1. The Director General of Police, Puducherry.
2. All SSPs in Puducherry UT.
3. The Addl. Secretary to Govt., Home Dept., Puducherry.

No. 15011/35/2013 – SC/ST–W
Government of India
Ministry of Home Affairs
Centre State Division

5th Floor, NDCC-II Building
Jai Singh road, New Delhi
the 10th May, 2013

To

The Additional Chief Secretary/ Principal Secretary (Home)

Sub: Registration of FIR irrespective of territorial jurisdiction and Zero FIR .

Sir/Ma'am,

This relates to the registration of FIR by the police when they receive a call/complaint related to a crime committed and suspected to be outside the jurisdiction of the police station concerned.

2. Instructions are envisaged on account of the delays occurring when there are issues relating to the area jurisdiction regarding the investigation of the case. The hesitation to take up investigation of cases falling in uncertain territorial areas needs to be dispelled to allay the fears that it may be liable to be quashed u/s 482 of the Cr.P.C. There are two rulings of the Supreme Court in Satvinder Kaur vs Govt. of NCT of Delhi on 5/10/1999 (AIR 1999, Delhi 1031) and in Ramesh Kumari vs Govt. of NCT Delhi on 21/2/2006. In the former case, the Court held that at the stage of investigation, the material collected by an investigating officer cannot be judicially scrutinized for arriving at a conclusion that the police station officer of particular police station would not have territorial jurisdiction. That apart, section 156(2) of the Cr.P.C contains an embargo that no proceeding of a police officer shall be challenged on the ground that he has no territorial power to investigate the case. In the latter case, the Court held that a police officer is duty bound to register the case on the basis of such information disclosing a cognizable offence u/s 154(1) of the Cr.P.C.

3. The legal position stated above expects that the police shall register an FIR upon receipt of information of the commission of a cognizable offence. Further, if after registration of FIR, upon investigation, it is found that the subject matter relates to the jurisdiction of some other police station, the FIR may be appropriately transferred to the police station in which the case falls. Moreover, if at the time of registration of FIR, it becomes apparent that the crime was committed outside the jurisdiction of the police station, the police should be appropriately instructed to register a 'Zero' FIR, ensure that the FIR is transferred to the concerned police station u/s 170 of the Cr.P.C. It should be clearly stated that the delay over the determination of the jurisdiction leads to avoidable wastage of time which impacts on the victim and also leads to offenders getting an opportunity to slip from the clutches of the law. It should be clearly instructed that failure to comply with the instruction of registering an FIR on receipt of information about the cognizable offence will invite prosecution of the police officer u/s166A of the IPC for an offence specified u/s166A or departmental action or both.

4. It may also be emphasized that police services should be sensitized to respond to complaints with alacrity whether is from a man or a woman. Apprehending the accused must take place immediately after the complaint as there is a tendency of the person committing the crime slipping away should there be a delay on extraneous grounds like jurisdiction. The police may also put in place a system of rewarding the personnel for timely response and punishment for wanton lethargy.

5. Home Departments of the States/UTs may direct the DGPs/IGPs to issue above instruction so as to reach all police stations at the shortest possible time.

The receipt of the same may kindly be acknowledged.



(S Suresh KUMAR)
JS (CS)