

CHAPTER - XXXVIII (A)

FIRST INFORMATION REPORT TO THE POLICE

1610. **INFORMATION IN COGNIZABLE CASES:-** (as in section 154 of the Code of Criminal Procedure)

- (1). Every information relating to the Commission of a cognizable offence, if given orally to an officer-in-charge of a Police Station shall be
 - (a). reduced to writing by him, or
 - (b). under his direction, be read over to the informant (complainant), and
 - (c). shall be signed by the person giving the information (complaint).
- (2). The substances of the First information shall be entered in the general diary.
- (3). A copy of the First Information Report form shall be given to the complainant forthwith.
- (4). The complainant, if aggrieved, by the refusal by the Station House Officer to record the first information report may send his complaint in writing by post to the Superintendent of Police concerned who may, if satisfied, investigate the case himself or direct any Police officer subordinate to him to investigate the case.

REGISTRY IN FIRST INFORMATION REPORT BOOK

1611. Information coming under any of the following heads received at a Police Station, shall be registered in the FIRST INFORMATION REPORT book (Form I F.1) which is prescribed under section 154 of the Criminal Procedure Code.

- (1). Cognizable cases under the Indian Penal Code or / and under any law for the time being in force,
- (2). The complaints (cognizable in nature) referred to the Police for inquiry by magistrates,
- (3). All occurrences, which need investigation, namely –
 - (a). Suicides,
 - (b). Accidental death,
 - (c). Accidental fire,
 - (d). Straying of cattle, and
 - (e). Missing person (man, woman or child or children); only where there is a reason to suspect the commission of cognizable offences,

- (4). Non-cognizable cases endorsed to the Police for inquiry,
- (5). Cases under sections 107 to 110 of the Criminal Procedure Code, after it has been determined to put them before a magistrate,
- (6). Offences to be reported to the central excise and customs department,
- (7). Reports made to magistrate with a view to action being taken under sections 144 and 145 of the Criminal Procedure Code, and
- (8). When a Police officer arrests a person or a group of persons to prevent the commission of a cognizable offence under section 151 Cr.P.C.

TELEGRAM OR TELEPHONE MESSAGE AS FIR:

1612. A telegram conveying message about the commission of an offence to a Police officer shall not itself be treated as a FIR, at the time of receipt of such information, for there is no guarantee as to its authenticity or authorship. Similarly an information to the Station House Officer about an offence by telephone is not an FIR, since it lacks authenticity and it is not possible to obtain the signature of the informant / complainant as contemplated in section 154 Cr.P.C.

COMPLAINTS MADE BY E-MAIL

1613. An electronic message forwarded by the originator or informant, through an electronic mail server to the addressee or the Police officer in charge of a Police Station or to any superior Police officer, where facilities for e-mail are available, shall be treated as the information where there shall be no presumption by the court as to the person by whom such matter was sent.

1614. Complaints made by telegram or telephone or by electronic mail server should not, therefore, be recorded in the First Information Report form until the information has been verified and either a statement has been recorded from the sender in writing or a confirmatory written and signed complaint has been received from him.

Note:

- (i). Any information about the commission of an offence received by the Station House Officer shall be without delay entered in the general diary and followed by that, steps shall be taken to verify the authenticity or authorship of the information / message / complaint and to obtain his signature.
- (ii). Where there is no possibility to obtain the signature of the sender of the message / information, but the contents of the information have been found true, the signature of the Station House Officer or any Police officer who verified the information must be affixed to fulfill the requirements as laid down under section 154 Cr.P.C. and such cases, where the Police officer in charge of the Police Station has become the complainant / informant himself, would be called 'suo-motu'.

- (iii). In cognizable cases (i.e.) substantial offences under the Indian Penal Code or / and under the special and local, the Police will normally deal with the judicial magistrate. The First Information Report should be sent to him as also the list of properties seized or recovered, if they be such. The final report whether it is a referred case or a charge sheet will also be sent to him for orders or trial, as the case may be.

CRYPTIC AND ANONYMOUS MESSAGE / INFORMATION

1615. In a telephonic message to Police, the person conveying the information did not disclose his identity, nor did he give any other particulars, such message is extremely cryptic and it shall not be regarded as FIR. But, this shall be recorded in the General diary.

1616. FIRST INFORMATION REPORT TO WHOM SENT

- (i). Ordinarily one copy of the First Information Report shall be retained or pasted in the FIR book kept in the station, and the original will be forwarded without delay in the usual course to the Magistrate having jurisdiction and one copy be kept in the case diary of the Station House Officer (Investigating officer). Further three copies shall be sent as follows:-
- ❖ SP concerned through the Circle Inspector (if ISR cases, two more copies to be taken and sent to the Senior Superintendent of Police and the Inspector General of Police);
 - ❖ CRB (Crime Record Bureau for data processing, etc)
 - ❖ A free copy shall be given to the complainant / informant.
- (ii). The copies will be made by the carbon process.

FIRST INFORMATION REPORT TO BE WRITTEN BEFORE PROCEEDING TO INVESTIGATE

1617. The First Information Report shall invariably be written before the investigating officer proceeds to make an investigation.

EXPRESS FIRs

1618. Express First Information Reports shall be sent direct to the offices of the Inspector General of Police, Senior Superintendent of Police, Superintendent of Police, Circle Inspector, the Judicial Magistrate, having jurisdiction and to the District Magistrate in respect of the ISR (Initial Special Report) cases including certain sensational and important cases, as listed below:-

- (a). Murder
- (b). Dacoity
- (c). Robbery

- (d). House breaking and theft above Rs. 50,000/-
- (e). Serious disturbance and riot
- (f). Kidnapping of children for the purpose of begging and for ransom
- (g). Serious offences against the members of SC / ST under the SC / ST (Prevention of Atrocities) Act, 1989.
- (h). Serious offences wherein fire arms and explosive substances were used
- (i). Any other important / sensational cases where a considerable number of fake currency / bank notes and Narcotics drugs were seized.
- (j). All cases of thefts of idols and antiques.

1619. The reports are termed EXPRESS REPORTS and should be sent in the quickest way possible either by post or hand. On the top of the FIR format and the envelope the term "EXPRESS REPORT" shall be written in red ink.

TELEGRAPHIC WIRELESS REPORTS

1620. Telegraphic wireless messages, giving very short and concise details shall be sent to the Senior Superintendent of Police, Superintendent of Police and to the Circle Inspector, on receipt of information of (i) a murder, (ii) a daocity, (iii). a robbery, (iv) serious riots in which the members of SC community were injured and women violated and (iv) any serious offence. Followed by that wireless message, the SHO should telephonically inform the Circle Inspector, who, in turn, will brief the Sub-divisional SP.

1621. Similar information, about accidents in connection with explosive or inflammable substances, road accidents involving multiple deaths and serious fire accidents, shall also be sent by the SHO to the Circle Inspector. The sub-divisional SP, after receiving such information, shall take all possible steps to extend immediate legal and relief works coordinating other connected agencies.

1622. The Superintendent of Police, in all such circumstances, shall telegraphically and telephonically inform the Senior Superintendent of Police and then the Inspector General of Police. While dealing with cases of heinous nature and ISR categories, it shall be ensured that the following events are attached with more importance:-

- (i). Any riot involving the use of fire arms, the death of any person or an attack on the Police and all cases of communal riot;
- (ii). Cases of the possession or manufacture or use of bombs or explosives even though non-political are prima facie cases of a specially grave nature;
- (iii). Robbery or attempted robbery by the administration of stupefying drug or poison;

- (iv). In cases of assault on a Police officer, the Circle Inspector on getting the information, will inform the SP concerned, who will telephonically brief the Senior Superintendent of Police and then send a special report;
- (v). Cases of kidnapping in women and children on a systemized manner should be considered to be cases of special grave nature.

Note

The Superintendent of Police, while sending reports of cases falling under the category of special grave nature / ISR cases, shall send a copy of such reports to the Superintendent of Police, Special Branch, who sends fortnightly reports on the law and order situation and the crimes to the government.

1623. The Inspector General of Police, Puducherry or on his behalf, any authorized officer shall send reports, to the Home Department, Government of Puducherry, on the following subjects as soon as the incidents occur.

- (i). Communal rioting;
- (ii). Disturbance involving the breach of the peace or death of any person;
- (iii). Disturbances involving the use of fire arms;
- (iv). Assault on Police in which death or serious injury to Police is reported;
- (v). Cases of possession or manufacture or use of bombs or explosive substances of specially grave nature;
- (vi). Serious fire accidents involving heavy loss of public life and property;
- (vii). Strikes of all kinds;
- (viii). Rioting and disturbances in which Police open fire;
- (ix). All cases of alleged torture by the Police or death or grievous injury on sexual assault caused while in Police custody;
- (x). All other important and grave occurrence which may be of interest to the Government.

Note

Copies of the reports will be sent to the secretary to the Lt. Governor of Puducherry and the Secretary to the Chief Minister of Puducherry.

1624. REGISTRY OF CASES WHEN THE BOUNDARIES / LIMITS OF THE POLICE STATION ARE DOUBTFUL

Note

It shall be remembered that the SHO of a Police Station has doubts about the limits of his station, where a crime is reported and that it should not be a cause to direct the complainant to go and lodge a complaint at another Police Station.

- (i). When a crime has been committed close to a boundary between stations and it is at first doubtful in which station limit it occurred, the Police to whom it is first reported shall register the case and take up the investigation, the station which should retain it being subsequently settled.
- (ii). As far as offences on railway line are concerned, the cases shall be registered and investigated by the local Police, as there is no railway Police in this territory.

1625. ALLOTING CRIME NUMBER AND OBTAINING SIGNATURE OR THUMB IMPRESSION OF THE COMPLAINANT, ETC.

- (1). Cases entered in the first information report book will be given a consecutive number and this number will constitute the crime number for the purpose of subsequent records including the integrated forms.
- (2). The thumb impression of the complainant will be taken only in the cases of illiterate person.
- (3). A copy of the first information report should be furnished free of charge to the complainant or informant under proper acknowledgement immediately after the complaint is registered.
- (4). In Non-cognizable cases, the information received and the steps taken by the Police will be entered in the station general diary. A copy of the N.C. register entry advising the complainant to seek remedy through the court shall be given under his acknowledgement.
- (5). When a Police officer finds it necessary to lay information before a Magistrate in a non-cognizable case, he may, under section 190 (1) (b) of the Criminal Procedure Code, make a report to the Magistrate, in writing of the facts which constitute such offence; for e.g. the offence of causing simple hurt by hands punishable under section 323 IPC read with 190 (1) (b) Cr.P.C.

1626. SALIENT POINTS TO BE REMEMBERED WHILE REGISTERING A CASE

- (1). Write the FIR immediately, without any delay, with all available details and at the same time enter all the facts in the station general diary maintaining therein the name of the complainant or informant with father's name, age, occupation and clear residential address, the time of reporting at the Police Station and particulars of the report with crime number and the section of law.
- (2). Record all available facts of the case in unambiguous terms and make sure that no important points is omitted.
- (3). Use ball point for writing the FIR and make copies by carbon process.

- (4). Do not make corrections, erasures, scorings or over writings. If a correction is necessary, strike out the word or words leaving them still legible and initial it.
- (5). When the first informant presents his written report at the Police Station, read it and explain it to him. If he admits its correctness make it an endorsement to that effect.
- (6). If the written reports do not contain the names and addresses of the accused or some of the accused mentioned in the report have the same name or the accused or some of them are not named but can be identified, their complete addresses to distinguish one from the other, and the descriptive marks of such of the accused are to be identified, should be elicited and recorded.
- (7). If the written reports do not contain a list of the articles stolen and the first informant states that a list is under preparation and would be furnished, make a record to that effect at the foot of the report and obtain his attestation to it.
- (8). If the written report is wanting in any other information but for which, the report cannot be said to contain all the information falling within the preview of section 154 of the Code of Criminal Procedure, question the first informant and if he is able to furnish it, record it at the foot of the report and obtain his attestation.
- (9). If the first informant does not appear with his written report but makes an oral statement, reduce his oral statement to writing in the space provided in the First Information Report form. If the form is found insufficient, use additional sheets.
- (10). Record the first information in the actual words of the informant, as the record should not be your impression of what he meant to say. Employ plain and simple language, as nearly as possible, in the informant's words.
- (11). Avoid technical or legal expressions of high flown language.
- (12). Whenever it is found that having regard to the time and date of occurrence, the distance from the place of occurrence to the Police Station and other relevant circumstances, the first informant has delayed lodging the first information, elicit from him a full and detailed account of the circumstances which contributed to such delay, while reducing to writing, his oral statement.
- (13). If a first informant appears before an officer superior in rank to an officer-in-charge of a Police Station, the former should reduce to writing his statement or he should see that the informant / complainant is produced before the officer-in-charge of the Police Station, who should then record his statement.
- (14). When a cognizable offence is committed in the presence, of an officer incharge of a Police Station, he is not bound to take down in writing any information relating to the commission of the offence. Since he has the information himself, he can register the case suo-motu.

(15). In cases, registered suo-motu, satisfy yourself that the first information report contains a full and correct record of all the facts and circumstances relating to the offence and the offenders including the names of witnesses, if any.

(16). When the first information relates to theft, do not fail to ask the complainant to furnish a list of articles stolen, their value and any particulars as to weight, make, design or other distinguishing marks which may assist identification, if they have not already been furnished. While eliciting the prices of articles stolen, take care that their prices are fixed having regard to the market rates prevailing at the material time and not with reference to the prices at which they were originally purchased.

(17). If the informant knows or has seen the person by whom an offence reported was committed but his name and, address are not known to him, do not fail to elicit from him, as description of the latter's appearance, which should be recorded along with the rest of the information.

(18). If the complainant is unable to give a list of property stolen at the outset (may be because he is not the victim of the theft or the person in the known of things or articles is away at the time) or its weight, make, design or distinguishing marks, do not fail to obtain it from the person concerned. There should be no delay whatsoever.

(19). There should be no time – lag between the receipt of information of the commission of a cognizable offence and the recording of it.

(20). Whenever, a report clearly discloses cognizable offence, do not embark upon a preliminary enquiry which is illegal, but register the case at once.

(21). The first information report is the best information of an occurrence or transaction in point of time which reaches the authority competent to investigate or order an investigation. Obviously there cannot be more than one first information in one case, however many the VICTIMS of the offence may be. If three persons are murdered in the course of occurrence, preparation of three first information reports, one for the murder of each person is irregular.

FIRST INFORMATION REPORT GIVEN BY AN ACCUSED

1627. The first information report by an accused person has got direct bearing to the following factors:

- (a). It might be a complaint made by the accused with an object of misleading the Police; or
- (b). It might be a deliberate creation of a legal defence plea; or
- (c). It might be a just an information pure and simple of a cognizable offence including a road accidents; or
- (d). It might be a confession before a Police officer within the meaning of section 25 or 27 of the Indian Evidence Act.

1628. Generally, an FIR by an accused amounts to a confession to a Police officer which is inadmissible in law except the portion(s) of the disclosure statement / information of the accused in custody, when discovered (section 27 of the Indian Evidence Act). Accordingly, if the FIR was registered on the complaint of an accused, only that part of the statement which distinctly relates to the discovery of the article is admissible in evidence.

1629. The first information report is a very important document, which is the earliest record made of an alleged offence. The necessity of drawing up this document with the utmost care and accuracy and with all available details need not, therefore, be over emphasized.

1630. REGISTRATION AND INVESTIGATION ON THE DIRECTION OF THE COURT

(1). Order under section 156 (3) Cr.P.C.

Any Magistrate empowered under section 190 Cr.P.C. may order an investigation of a cognizable case to be made by any officer-in-charge of a Police Station (section 156 (3) of the Criminal Procedure Code). The Station House Officer shall register such a case, investigate it and lay final report.

(2). Order under section 202 Cr.P.C.

- (a). Any Magistrate, on receipt of a complaint of an offence of which he is authorized to take cognizable or which has been made over to him under section 192 Cr.P.C., may if he thinks fit, postpone the issue of process against the accused and either inquire into the case himself or direct an investigation to be made by a Police officer. (section 202 (1) Cr.P.C.)
- (b). A Police officer, to whom a case is referred for investigation under section 202 of the Criminal Procedure Code, is bound to investigate it himself. The Police officer so investigating such a case under section 202 Cr.P.C. shall, in the first instance, register it within the meaning of section 154 Cr.P.C. The object of investigation under Chapter XII of the Criminal Procedure Code and the one contemplated under section 202 of the Code is not the same. The investigation within the meaning of section 202 of the Code is directed for the purpose of issuing process against the accused and to that purpose the investigating officer shall conduct the inquiry.

1631. INVESTIGATION INTO GANG AND CONSPIRACY CASES

- (i). The Superintendent of Police of the region / sub-division of the investigation into a gang and conspiracy cases should invariably be by an officer not below the rank of a Superintendent of Police and the principal investigating officer should be put into the witness box at an early stage of the case to describe how the evidence has been got together and shifted.

- (ii). All gang cases and all important conspiracy cases whose ramifications extend to several regions of the territory should be investigated by the Criminal Investigation Department by the orders of the Inspector General of Police.

1632. INVESTIGATION AND CHARGE SHEETS IN CASES AND COUNTER CASES

- (i). In a complaint and counter complaint obviously arising out of the same transaction, the investigation officer should, after registering both side cases, enquire into both of them and adopt one or the other of the two courses viz.,
 - (a). to charge the case where the accused persons were the aggressors; or
 - (b). to refer both the cases if he should find them untrue.
- (ii). The investigating officer should place before the court a definite case which he asks it to accept. The investigating officers in such cases should not accept into one complaint and examine only witnesses who support it and gave no explanation at all for the injuries caused to the other side. It is his duty to exhibit the counter complaint in the court and also to prove medical certificates of persons wounded on the opposite side. The truth in these cases is invariably not in strict conformity with either complaint and it is quite necessary that all the facts are placed before the court to enable it to arrive at the truth and a just decision.
- (iii). Or in the alternative, if the investigating officer finds that the choice of either course is difficult (i.e) to charge one of the two cases or to throw out both, he should seek the opinion of the Director of Prosecution and act accordingly.
- (iv). A final report should be sent in respect of the case referred as “Mistake of Law” and the complainant or the counter complainant, as the case may be, should be advised through the RCS notice / notice to the complainant (Form – 43) and to seek remedy before the specified magistrate, if he is aggrieved by the disposal of the case by the Police.

Note

To ensure peace in the area, if it is felt necessary that both the parties (i.e.) the complainant and the counter – complainant should be bound down equally, cases under section 107 Cr.P.C. shall be registered against both groups and information laid before the sub-divisional Magistrate, having jurisdiction.

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