THE CODE OF CRIMINAL PROCEDURE
SECTION 154

In the scheme of the Code of Criminal Procedure, 1973, for the purposes of setting criminal investigating agency into motion, **offences are characterized into two types:**

1. Cognizable offences and
2. Non-Cognizable Offences

In case of cognizable offences, a police officer can arrest an accused without a warrant, but in the case of non-cognizable offences he cannot arrest and investigate into such an offence without authorization in this behalf by the Magistrate.

In cases of Cognizable offences, an FIR forms the basis of putting the investigating machinery into motion.

FIRST INFORMATION REPORT (FIR)

INFORMATION AS TO COGNIZABLE CASES [Section 154]

Any person can give information to the police relating to the commission of a cognizable offence. Section 154 provides for the manner in which such information is to be recorded. **This recorded information relating to cognizable offence contemplated by Section 154 is commonly known as First Information Report (FIR), though that term is not mentioned in the Code.**

The **first proviso** appended to the section lay down that when the information is given by a woman in relation to offences mentioned in the said proviso, such information shall be recorded by a woman police officer or any woman officer.

The **second proviso** lay down that when information relating to offences mentioned in the proviso is committed against a mentally or physically disabled person, such information shall be recorded at the residence of such person or at a place convenient to that person's choice in the presence of an interpreter or a social educator. It has been further provided that the recording of such information shall be video-graphed and the police officer shall get the statement of the person recorded by a Judicial Magistrate under clause (a) of Section 164(5A).

OBJECTS OF FIR

1. The object of FIR is to obtain **true or nearly true version of the events** connected with a crime.
2. Secondly, the FIR also provides a check on the undesirable tendency on the part of the prosecution to fill the gaps on their own.
3. The FIR in a criminal case is extremely vital and valuable piece of evidence for the purpose of corroborating the oral evidence abducted at the trail.

The principal object of the FIR from the point of view of the informant is to set the criminal law in motion and from the point of view of the investigating authorities is to obtain information about the alleged criminal activity so as to be able to take suitable steps to trace and bring to book the guilty.

ESSENTIALS OF FIR [SECTION 154(1)]

The question whether or not particular information constitutes a FIR within the meaning of Section 154 is a question of law and depends upon the facts and circumstances of each case.

In order that information shall be treated as a valid FIR, the following conditions have to be fulfilled:

1. The information must relate to the commission of a **cognizable offence** on the face of it and not in the light of subsequent events
2. The information must have been given to the Officer-in-charge of a Police Station empowered to record an information under Section 154
3. It must have been the earliest report relating to the commission of a crime with a view to taking action (investigation) in the matter
4. It must be in writing or be reduced in writing (if oral) and must be signed by the informant
5. The information reduced in writing must be read out to informant and a copy thereof should be given to informant forthwith free of cost
6. The substance of the information must be entered in a book called Station Diary or General Diary.

WHO CAN LODGE THE FIR?

FIR can come from any quarter. **Every citizen has a right to set machinery of the criminal law in motion and to bring the offender to book.** It need not be lodged by the victim or by the eye-witness alone. **It is also not necessary that the information has personal knowledge of the incident. Even as anonymous letter sent reporting a cognizable offence may be treated as FIR.** Hence, it can be said that there is no rule or principle of evidence requiring that the injured should always be the first informant.

FIR may be classified under two broad divisions:

1. Where the informant is himself cognizant of the crime or claims to have seen the occurrence or any part of it.
2. Where the informant is an agent for conveying the report from someone cognizant of the crime.

WHERE FIR CAN BE LODGED

The general rule is that ordinarily the information about the offence committed to be given to the police station having territorial jurisdiction where the offence has been committed. But this does not mean that it cannot be lodged elsewhere.

In the case of **State of AP v. Punati Ramube,** 1993 Cri LJ 3684 (SC), the police constable refused to record the complaint on the ground that the said police station had no territorial jurisdiction over the place of crime. It was decided that refusing to record the complaint was **a dereliction of duty** on the part of the constable because any lack of territorial jurisdiction could not have prevented the constable from recording information about the cognizable offence and forwarding the same to the police station having jurisdiction over the area in which the crime was said to have been committed.

REGISTRATION OF FIR

Duty of the Police Officer to register FIR: The question whether it is obligatory for the police to register FIR on information given by an informant has been answered in the affirmative by the five-member Bench in **Lalita Kumari v. Govt. of U.P.,** (2014) 2

SCC 1. It has been categorically ruled that the provisions of Section 154(1) CrPC is mandatory and the officer concerned is duty bound to register the case on the basis of information disclosing commission of cognizable offence.

However, if no cognizable offence is made out in the information given, then the FIR need not be registered immediately and the police may conduct a preliminary verification for the limited purpose of ascertaining as to whether a cognizable offence has been committed.

The underpinnings of compulsory registration of FIR are not only to ensure transparency in the criminal justice delivery system but also to ensure judicial oversight.

In the case of **Lalita Kumari v. Govt. of U.P.,** (2014) 2 SCC 1, the following directions were made by the Apex Court:

- Registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.
- If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.
- If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further.
- Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.
- The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence. Other considerations are not relevant at the stage of registration of FIR, such as, whether the information is falsely given, whether the information is genuine, whether the information credible etc. These are the issues that have to be verified during the investigation of the FIR. If, after investigation, the

information given is found to be false, there is always an option to prosecute the complainant for filing a false FIR.

- As to what type and in which cases 'preliminary inquiry' is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are: (a) Matrimonial disputes/family disputes; (b) Commercial offences; (c) Medical negligence cases; (d) Corruption cases; (e) Cases where there is abnormal delay/laches in initiating criminal prosecution. The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry.
- While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time bound and in case it should exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry.
- Since the General Diary/Station Diary/Daily Diary is the record of all the information received in a police station, we direct that all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said Diary and the decision to conduct a preliminary inquiry must also be reflected.

It has been observed by the Supreme Court that "if allegations made in the FIR are taken at their face value and accepted in their entirety does not constitute an offence; the criminal proceedings instituted on the basis of such FIR should be quashed". **[State of U.P. v. R.K. Srivastava,** (1989) 4 SCC 59]

It was held in **Ramesh Kumari v. State (NCT of Delhi),** AIR 2006 SC 1322, that Section 154 is mandatory and hence, the concerned officer is duty bound to register the case on the basis of the information disclosing a cognizable offence.

It was held in the case of **Hardip Singh v. State of Punjab,** AIR 2009 SC 432, the Supreme Court held that the written complaint could not be treated as an FIR as it would amount to a statement made during investigation and is hit by Section 162 CrPC.

Refusal by the Police to register case: The fact of the case revealed that the police did not register the case of the appellant. But the police did contend that they had conducted an investigation into the matter concerned. The Supreme Court issued the

direction to the police that they should duly investigate the matter after registering the case of the appellant. **[Mohindro v. State of Punjab,** AIR 2001 SC 2113]

Registration of FIR against Judges and others: In **Kamini Jaiswal v. Union of India,** 2018 Cri LJ 1068 (SC), it was held that there cannot be registration of any FIR against a High Court Judge or Chief Justice of the High Court or the Supreme Court Judge without the consultation of the Hon'ble Chief Justice of India and, in case there is an allegation against Hon'ble Chief Justice of India, the decision has to be taken by the Hon'ble President of India.

There cannot be any FIR even against the Civil Judge/Munsif without permission of the Chief Justice of the concerned court; and rightly, FIR has not been registered against any sitting Judge. **If the information is non-confessional, it is admissible against the accused as an admission under Section 21 of the Evidence Act and is relevant.**

CONTENTS OF FIR

It was held in the case of **Gurpreet Singh v. State of Punjab,** 2006 Cri LJ 126 (SC), that Section 154 requires only the substance of information received to be mentioned in the daily diary and the same cannot be said to be the repository of every factum. Therefore, mere non-disclosure of the names of witnesses in the daily diary as well as mortuary register, ipso facto cannot affect the prosecution case, more so when their names have been disclosed in the FIR itself.

How much Information is to be provided in FIR

- In **Dharmendra Singh v. State of U.P.,** 1990 Cri LJ 2064, it was held that the fact that minute details are not mentioned should not be taken to mean the non-existence of the fact stated.
- It was stated in **Kalyan v. State of U.P.,** (2001) 9 SCC 632, that the statements in the FIR must naturally get their due weight.

OMISSIONS IN THE FIR

It is not an encyclopaedia of the entire case. It is sufficient if it gives broad spectrum of the incident. **[Manoj v. State of Maharashtra,** JT 1999 (2) SC 58]. In the case of

Superintendent of Police, CBI v. Tapan Kumar Singh, 2003 Cri LJ 2322 (SC), it was held that FIR is not an encyclopaedia which must disclose all facts and details relating to the reported offences. Only a report lodged by the informant about the commission of offence without any name is sufficient for the disclosure of the commission of cognizable offence.

Omission to mention the name of the accused: The fact that the names of some accused are not mentioned in FIR is a circumstance, which the prosecution has to explain, though no rule of law stipulates that an accused whose name is not mentioned in FIR is entitled to an acquittal [**Darshan Singh v. State of Punjab,** 1983 Cr. L.J. 985 (SC)]

Where no satisfactory explanation is furnished for omission to mention the name of the accused in the FIR, the court may doubt the veracity of the prosecution. **[Bishan Dass v. State of Punjab,** AIR 1975 SC 573]

FIR is not expected to contain all the details of the prosecution case; it may be sufficient if the broad facts of the prosecution case alone appear. Omission in the first statement of the information is not fatal to the case. The impact of the omission has to be adjudged in the totality of the circumstances and the veracity of the evidence. Thus, merely because the names of the accused persons are not mentioned in the FIR, it cannot be a ground to raise doubts about the prosecution case. **[Mukesh v. State for NCT of Delhi,** AIR 2017 SC 2161]

Omission to mention name of witnesses: In was held in **State of U.P. v. Krishna Master and others,** (2010) 4 Cri LJ 3889 (SC), that FIR need not be an encyclopaedia of all facts and circumstances, minute details need not be given.

There is no requirement of mentioning the names of all witnesses in the First Information Report. **[State of M.P. v. Dharkole alias Govind Singh,** AIR 2005 SC 44]

If witness is found to be independent and reliable and is believed to be present during the occurrence then his evidence cannot be rejected on the sole ground that his name has not been mentioned in the FIR. **[Babu Singh v. State of Punjab,** 1996 Cri LJ 2503 SC]

FIR is not an encyclopaedia which is expected to contain all the details of the prosecution case. Omission as to the names of the assailant or the witnesses may not all the times be fatal to the prosecution, if the FIR is lodged without delay. Unless there are indications of fabrication, the court cannot reject the prosecution case as given in the FIR merely because of omission. **[Motiram Padu Joshi v. State of Maharashtra,** AIR 2018 SC 3245]

Merely because the names of the accused are not stated and their names are not specified in the FIR that may not be ground to doubt the contents of the FIR and the case of the prosecution cannot be thrown out on this court. The value to be attached to the FIR depends upon facts and circumstances of each case. **[Latesh v. State of Maharashtra,** AIR 2018 SC 659]

The Supreme Court in **Smt. Gargi v. State of Haryana,** AIR 2019 SC 4864, held that where omissions, perforce, give visa to adverse interference against the prosecution and investigation seems to have been carried out either with pre-conceived notions or with a particular result in view, such investigation is liable to be declared faulty and unaccepted.

COPY OF FIR TO BE SENT TO MAGISTRATE FORTHWITH

As **Section 157** requires the FIR to be sent to the Magistrate forthwith, it must be sent even on Sundays and holidays. Where the FIR reached the jurisdictional Magistrate more than 30 hours after the incident and no explanation was given in respect of such delay and the distance between the Magistrate's Court and the Police Station was very close, such delay created a serious doubt about the prosecution case. **[Gunju Mhd. v. State of Kerala,** (2004) 9 SCC 193] However, delay in dispatch of the FIR to the Magistrate cannot alone be a ground for throwing out the prosecution case if otherwise the prosecution case is proved by impeachable evidence.

GUIDELINES FOR SUPPLY OF FIR COPY TO ACCUSED

In **Youth Bar Association of India v. Union of India,** 2017 Cri LJ 1093 (1095) (SC), the Supreme Court issued following directions in matters relating to FIR:

a) An accused is entitled to get a copy of the First Information Report at an earlier stage than as prescribed under Section 207 of CrPC.

b) An accused who has reasons to suspect that he has been roped in criminal case and his name may be finding place in a First Information Report can submit an application.

While interpreting Section 154(2), the Supreme Court in **State v. N.S. Gnaneswaran,** (2013) 3 SCC 594, categorically held that non-supply of copy of FIR under Section 154(2) CrPC may not vitiate the trial in every case.

WHEN A STATEMENT AMOUNTS TO FIR?

The question whether a statement is FIR or is one made after the receipt of FIR assumes importance. It has been held that first information is that information which is given to the police first in point of time (on the basis of which the investigation has been commenced) and not that which the police may select and record as first information.

However, any sort of information given first in point of time is not necessarily first information within Section 154. It is necessary that such information must relate to a cognizable offence on the face of it, and not merely in the light of subsequent events.

Section 154 does not necessarily contemplate that only one information of a crime should be recorded as FIR, but all information given to the police before the investigation is started, may amount to first information. Therefore, information lodged at two different police stations regarding the same offence would both be admissible in evidence. However, there is a trend of court's acceptance of FIR as statements which give circumstances of the crime with a view that the police officer might proceed to investigate.

In this view the Supreme Court accepted as FIR, a statement which the police officer recorded on the next day of occurrence though he visited the place on the date of occurrence itself. **[Pattad Amarappa v. State of Karnataka,** 1989 Cri LJ 2167 SC]

If any oral information relating to the commission of a cognizable offence is given to the police officer, but the same is not recorded and the police officer proceeds to the scene of the offence and records statements of witnesses, none of such statements would amount to FIR. Because in such a case the real FIR is the unrecorded oral

information given to the police officer by the informant. **[S.V. Madar v. State of Mysore,** (1980) 1 SCC 479]

The following points may be noted about the FIR:

- It should be information of fact disclosing the commission of a cognizable offence.
- It should not be vague or indefinite. If the allegations made in the FIR are taken at their face value and accepted in their entirety do not constitute an offence, the criminal proceedings instituted on the basis of such an FIR should be quashed. **[State of UP v. R.K. Srivastava,** (1989) 4 SCC 59]
- It may be given by anybody; the injured should not always be the first informant.
- It is not necessary that the offender or the witnesses should be named.

The following do not come within the purview of a FIR, namely:

a. A statement given to the police after investigation have commenced.
b. A statement made by a witness during investigation.
c. A statement recorded by an officer in charge on the basis of his personal knowledge after the original information was received.
d. A report by a police officer informing his superior that he had been told of the possible commission of a dacoity at some time in the future.
e. A complaint made orally or in writing to a Magistrate.

CRYPTIC INFORMATION OR MESSAGE IS NOT AN FIR

It has been observed by the Apex court in the case of **Patai v. State of UP,** AIR 2010 SC 2254, that if the telephonic message has been given to officer in charge of a police station, the person giving the message is an ascertained one or is capable of being ascertained the information has been reduced into writing as required under Section 154 CrPC and it is a faithful record of such information and the information discloses commission of a cognizable offence and is not cryptic one or incomplete in essential details, it would constitute FIR.

A cryptic and anonymous telephonic message which did not clearly specify a cognizable offence cannot be treated as FIR, even if such information was given by an identifiable person. **[State of Haryana v. Ch. Bhajan Lal,** 1992 Cri LJ 527 SC]

Where as soon as the Police Officer, on receipt of a telephonic message was about to proceed to the place of occurrence, an eyewitness of the occurrence appeared and gave written version of the incident, on the basis of which the formal FIR as drawn up, it was held that the cryptic telephonic message did not amount to FIR but the written report legally formed the FIR. **[Ram Singh Bavaji Jadega v. State of Gujarat,** 1994 Cri LJ 3067 SC]

Sometimes it may happen that more than one person go at or about the same time and make statements to the police about the same cognizable offence. In such a situation the police officer will use common sense and record one of the statements as FIR.

The prosecution witness gave to the police station information about murder on telephone. The head constable noted it though it was a cryptic report and also only for the purpose of visiting the scene of occurrence. He and the investigating officer did not say that it was a detailed report. The subsequent information was a detailed one and came to be recorded. The Court said that there was nothing to prevent it being treated as the first FIR. **[Vikram v. State of Maharashtra,** AIR 2007 SC 1893]

EVIDENTIARY VALUE OF FIR

The FIR can be put in evidence (usually by the prosecution) when the informant is examined, if it is desirable to do so. However, **FIR is not a piece of substantive evidence, and it cannot be preferred to the evidence given by the witness in court.** It can be used for limited purposes, like corroborating (under Section 157, Evidence Act) or contradicting (cross-examination under Section 145, Evidence Act) the maker thereof, or to show that the implication of the accused was not an after-thought. It can also be used under Section 32(1) and Sections 8 of the Evidence Act.

- It was held in **Hasib v. The State of Bihar,** AIR 1972 SC 283, that it does not constitute substantive evidence; it can, however, be used as a previous statement for the purpose of corroboration or contradiction of its makes u/s. 157 or under section 145 of the Indian Evidence Act
- In the case of **George v. State of Kerala,** 1998 Cri LJ 2034 SC, it was held by the SC that the FIR cannot be used for the purposes of corroborating or contradicting or discrediting any witness other than the one lodging the FIR. It was held in **D.R. Bhagare v. The State of Maharashtra,** AIR 1973 SC 476, that FIR can by no means be utilised for contradiction or discrediting other witnesses. It cannot be used for

corroborating the statement of a third party. **[State of MP v. Surhan,** AIR 1996 SC 3345]

- It was held in **Harkirat Singh v. State of Punjab,** AIR 1997 SC 3231, that where the person lodging the FIR died, the Supreme Court held that the contents of the FIR could be used for the purpose of corroborating or contradicting the person if he had been examined but not as substantive piece of evidence.
- It was held in **Bable alias Gurdeep Singh v. State of Chhattisgarh,** AIR 2012 SC 2621, that it is well-settled that FIR is not a substantive piece of evidence, but certainly it is a relevant circumstance of the evidence produced by the investigating agency. Merely because the informant turns hostile, it cannot be said that FIR would lose its relevancy and cannot be looked into for any purpose.
- FIR can be used for the purpose of testing the truth of the prosecution story. **[Ram Kumar v. State of MP,** AIR 1975 SC 1026]
- **FIR by accused:** If the FIR is given by the accused himself, then it can be either Confessional or Non – Confessional.

Confessional FIR: If the FIR is confessional in nature, it cannot be proved against the accused-informant as it would be hit by **Section 25** of the Indian Evidence Act.

Non - Confessional FIR: If the FIR is non-confessional in nature, it can be admissible in evidence under **Section 21** of the Indian Evidence Act or showing his conduct under **Section 8** of the Indian Evidence Act.

If the FIR is given to the police by the accused himself, it cannot possibly be used either for corroboration or contradiction because the accused cannot be a prosecution witness, and he would very rarely offer himself to be a defence witness under Section 315 of the Code. If the FIR given by the accused person is non-confessional, it may be admissible in evidence against the accused as an admission under Section 21 of the Indian Evidence Act, or, as showing his conduct under Section 8 of the Indian Evidence Act. **[Aghnoo Nagesia v. State of Bihar,** AIR 1966 SC 119] If the FIR is of a confessional nature, it cannot be proved against the accused-informant, because according to Section 25 of the Indian Evidence Act, no confession made to a police officer can be proved as against a person accused of any offence. But it might become relevant under Section 8 of the Indian Evidence Act as his conduct. **[Bheru Singh v. State of Rajasthan,** (1994) 2 SCC 467]

The evidentiary value of FIR is far greater than that of any other statement recorded by the police during the course of the investigation.

FIR on the statement of the accused: ADMISSIBILITY

In the case of **Aghnoo Nagesia v. State of Bihar,** AIR 1966 SC 119, the Supreme Court dissected the furdbayan into 18 parts as inculpatory and exculpatory statements and held that all the inculpatory parts of the statements are hit by Section 25 of the Evidence Act and were inadmissible in evidence. In a recent decision, the Supreme Court held that FIR recorded on the statement of the accused is not admissible as confession.

DELAY IN LODGING FIR

Delay in lodging FIR cannot be used as a ritualistic formula for discarding prosecution case and doubting its authenticity. It only puts the Court on guard to search for and consider if any explanation has been offered for the delay. Once it is offered, the court is only to see whether it is satisfactory or not. Delay in giving first information can be condoned if there is satisfactory explanation. Unexplained delays smell of after-thought, concoction etc. and as such its veracity reduces.

Criminal courts attach great importance to the lodging of prompt FIR because the same greatly diminishes the chances of false implication of accused as well as that of the informant being tutored. The prompt FIR goes a long way in establishing that the prosecution story was an authentic and truthful one. Thus, the FIR relies on spontaneity. Deliberation and consultation are inimical to it.

- There is no hard and fast rule that delay in lodging the FIR would automatically render the case doubtful. It depends upon the facts and circumstances of each case. However, the fact that the report was lodged belatedly is a relevant factor of which the court must take notice. **[Ramdas v. State of Maharashtra,** AIR 2007 SC 155] There is no mathematical formula by which an inference is drawn regarding acceptability. **[Amar Singh v. Balvinder Singh,** 2003 Cri LJ 1282 SC]
- In **Tara Chand v. State of Haryana,** AIR 1971 SC 1891, it was held that the mere fact that first information has been lodged early does not rule out embellishment or falsehood in every case.

- In **State of HP v. Shreekant Shekari,** 2004 Cri LJ 4232 (SC), it was held by the Supreme Court that the unusual circumstances in this case, satisfactorily explained the delay in lodging of the FIR. In any event delay per se is not a mitigating circumstance for the accused when the accusations of rape are unaware of the catastrophe which had befallen to her. That being so, the mere delay in lodging FIR does not in any way render prosecution version brittle.
- In **Apren Joseph v. The State of Kerala,** AIR 1973 SC 1, it was held that mere delay, in lodging the FIR is not necessarily, as a matter of law, fatal to the prosecution. The plausibility of the explanation for delay falls for consideration in such a case. Delay can be condoned if there is a satisfactory explanation.
- In **Gajanan Dashrath Kharate v. State of Maharashtra,** (2016) 4 SCC 604, it was held that delay in setting the law into motion by lodging of complaint and registration of FIR is normally viewed by Courts with suspicion because there is possibility of concoction and embellishment of the occurrence. So, it becomes necessary for the prosecution to satisfactorily explain the delay.
- A promptly lodged FIR reflects the first-hand account of what actually happened, and who was responsible for the offence. **[Jai Prakash Singh v. State of Bihar,** AIR 2012 SC 1676]
- Delay in examining witnesses by investing officer does not ipso facto make prosecution version suspect. Investigation Officer should be categorically questioned in aspect of delayed examination.

In **Bhav Singh v. State of MP,** AIR 2019 SC 2989, the accused armed with country made pistol caused death of the deceased by firing. The testimonies of eye-witnesses corroborated by each other. The credibility of FIR was challenged the ground that the inquest number was not mentioned in the FIR and that it was ante dated. The Court rejected both the pleas of defence and held inquest being done at the crime-spot and FIR being registered at police station, mention of inquest number in FIR does not affect prosecution case nor does it affect credibility of eye-witnesses. As regards objection that FIR was ante-dated it was not sent immediately to Court after its registration, it was held that as Court time was over, hence production of FIR before Court on next day during Court timings does not indicate that FIR is ante-dated.

The Supreme Court in **CBI v. Sakru Mahagu Binjewar & Ors,** AIR 2019 SC 3550, reiterated where the delay of some hours in registration of the FIR has been

satisfactorily explained by the prosecution, there is no rhyme or reason for a court to look on the prosecution case with suspicious eyes.

The FIR will have better corroborative value if it is recorded before there is time and opportunity to embellish or before the informant's memory fails. Undue or unreasonable delay in lodging the FIR therefore, inevitably gives rise to suspicion which puts the court on guard to look for the possible motive and the explanation and consider its effect on the trustworthiness or otherwise of the prosecution version. **[P. Rajagopal v. State of T.N. (2019) 5 SCC 403]**

Delay in lodging F.I.R. in rape cases:

- In **Kulwant Singh and others v. State of Punjab, (2012) 3 Cri LJ 2199 (SC)** it was held that delay in lodging F.I.R. is not a ground to throw away entire prosecution cases.
- It was held in **Satpal Singh v. State of Haryana, 1993 Cri LJ 314 (SC)** that delay in lodging FIR in sexual offence has to be considered with different yardstick.
- Where delay in FIR in a rape case had taken place, the court was satisfied by the explanation that since the honour of the family was involved, the complaint was delayed. **[Harpal Singh v. State of H.P., AIR 1981 Sc 361]**
- In **Vidyadharan v. State of Kerala, 2004 Cri LJ 605 SC**, the Apex Court noted that a delay in lodging FIR is quite natural in traditional bound society to avoid embarrassment. In cases of outraging the modesty of a woman or rape, the reputation of a woman come as a natural and obvious reason for delay, and it should not be suspected. Only unexplained delay in lodging the FIR can be a ground to arouse suspicion.
- In **Om Prakash v. State of Haryana, AIR 2011 SC 2682**, in a gang-rape case, the Supreme Court held that a young girl, who underwent trauma of rape, is likely to be reluctant in describing those events to anybody including her family members. Thus, the report lodged without any delay the moment she told her parents about the incident, can be a reasonable explanation for the delay in lodging the FIR.
- In **Lalita Kumari v. Government of UP, AIR 2014 SC 187**, a 5 member Bench of the Supreme Court reiterated that registration of FIR relating to sexual offence is mandatory without any more than a preliminary enquiry that it discloses a cognizable offence.

Second FIR in respect of same Offence: The Supreme Court in **Pattu Ranjan v. State of Tamil Nadu, AIR 2019 SC 1674** held that second FIR for offence of murder subsequent to first FIR for offence of abduction under section 154 will be legal and proper as the two relate to two separate and distinct offences and FIR for the second offence committed during investigation of first, cannot be said to be lodged in course of same transaction.

TYPES OF FIRST INFORMATION REPORT

ZERO FIR: A police officer is legally bound to record in writing every information relating to the commission of a cognizable offence alleged to be committed within his jurisdiction. However, it has been held that any lack of territorial jurisdiction should not prevent the police officer from recording information about the cognizable offence and forwarding the same to the police station having jurisdiction over the area in which the crime was said to have been committed. **[State of A.P. v. Punati Ramube, 1993 Cr LJ 3684 (SC)]** Such FIR is called a **Zero FIR.** Such an FIR is also termed a **non-jurisdictional FIR.**

ANTE-TIMED FIR: Any FIR which has been lodged before the occurrence of the event is termed as **Ante-timed FIR.** Such an FIR is a false FIR and such FIRs are lodged normally in those cases where the offence has been fabricated and has been falsely imputed upon the accused.

CROSS FIR: When for the same incident the FIRs have been filed by both the parties against each other, the FIR is known as **Cross FIR.** Generally, the High Courts will not quash either of the FIRs. It will instead order that both the investigations should be carried out by the same Police officer. Upon the filing of the Police report, both the cases would be tried by the same court.

MULTIPLE FIRs: For the same case, if several FIRs have been lodged against the accused, these are said to be **Multiple FIRs.** The consequence will be that for the same case multiple investigations will be carried out and the accused will be vexed as many number of times. That will lead to unnecessary multiplicity of proceedings. The accused can filed an application under section 482 and get all other FIRs quashed. Normally, the first FIR will be retained.

Q. Is investigation dependent upon the filing of an FIR?

No, the filing of an FIR is not compulsory for starting of an investigation. It is in general that FIR is the starting point of an investigation.

For Police manual: Yes

Q. Is FIR a privileged document?

No, it is a public document. A copy of a FIR is obtainable.

Q. Is FIR a presumed document?

No, it does not fall within the ambit of Section 80 of the Indian Evidence Act. There is no presumption as to the genuineness of the FIR.

Q. Can a child or lunatic file an FIR?

Unsound mind person – When he is of sound mind

Child- If he can become a witness.