

**INACTION OF POLICE IN LODGING FIR IN RE: OFFENCES AGAINST WOMEN
V. STATE OF UP (2013) 83 ALLCC 559**

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ABSTRACT

The Judgment was delivered by Shiva Kirti Singh, Chief Justice, and Vikram Nath, Justice in the High Court of Allahabad. It was public interest litigation (PIL) that was filed to ensure that immediate action is taken in the case of filing of a First Information Report on part of the police with respect to offences against women and in order to avoid excessive police delay. The government advocate had taken suo-moto cognizance of the matter and assisted the court in hearing the matter through a PIL order passed on 10th May 2013. An affidavit was placed which mentioned a DGP circular that was already issued to address several difficulties that were delaying the filing of a FIR in offences committed against women. There was no directive to the police station to file an FIR within a reasonable 24-hour period following the recording of the statement of a serious crime victim who has suffered serious injuries.

FACTS OF THE CASE

Two female victims who had suffered significant injuries and were receiving medical attention at a hospital provided statements to the magistrate so that they might be recorded in response to a police request, but the police authorities took no action to file a FIR based on the victims' statements. For the purpose of filing a FIR, the delay forces the search for an additional source or witness. The officer's decision to disregard the recording statement or to file a FIR despite having information about the injured victim amounts to unreasonable inaction on their side.¹

According to the Government Advocate, there is no legal barrier preventing police from the closest police station from visiting the injured person and recording a statement that can be used as the basis for a formal police report (FIR) under section 154 of the Code of Criminal Procedure. Additionally, it is the responsibility of the police to be aware of the statement, particularly when it is provided by the victim who is hurt and to take appropriate action if a cognizable offence is revealed. As part of their responsibility to investigate a crime, police officers at the closest police station are required to learn the

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¹ Inaction of Police in Lodging FIR in Re: Offences against Women v. State of UP (2013) 83 ALLCC 559, 560–561, <http://www.sconline.com.eu1.proxy.openathens.net/DocumentLink/Qml20RjA> (last visited Oct 17, 2022).

details of the statement taken by the magistrate or doctor. If the victim is unable to provide any further testimony, the police officials must fulfill this legal obligation or pass away, then such a declaration should serve as the foundation for filing a FIR without excessive delay.

The DGP Circular, which provides the instructions to guarantee that the inquiry is carried out effectively by documenting the statement of the doctor and magistrate who are present, is directed to all parties involved in the disposition of this writ petition. at the time of recording the statement of the victim. They shall also follow the directions of this Court and in compliance with this direction, the DGP shall issue a circular in addition to the earlier one. It must contain the stipulation of disciplinary action.

LEGAL ISSUE: What is the impact of the delay caused in registering an FIR in the case?

RULE: Section 154 of CrPC.

ANALYSIS AND CONCLUSION OF THE CASE

The delay in filing of FIR causes suspicion on the part of the police officer and also makes the court question the motive of the police officer if there is an unexplained delay. The victim is aggrieved and no action on part of the officer results in the delay of justice for the victim. Here the situation required immediate action by the police officer as the women were injured and in the hospital. It is important that the FIR is lodged within 24 hours. In case of failure to register the FIR, contempt proceedings can be initiated by the magistrate and disciplinary action will be taken. Public awareness must be generated about the same in the minds of the common people to ensure that they are aware of the law.² The High Court ruled that the police had a responsibility to be aware of the statement, particularly when it is provided by the victim who is harmed, and to act accordingly if a cognizable offence is revealed.³

² Sumana, Delay in First Information Report– A Critical Analysis Delay In First Information Report A Critical Analysis, <https://www.legalserviceindia.com/legal/article-3219-delay-in-first-information-report-a-critical-analysis.html#:~:text=If%20there%20is%20unexplained%20delay,look%20for%20the%20possible%20motive> . (last visited Oct 17, 2022).

³ Subodh Asthana - et al., Important case laws and Quiz on Public Interest Litigation for Aibe iPleaders (2019), <https://blog.ipleaders.in/barhacker-pil-case/> / (last Oct 17, 2022).