

FIRST INFORMATION REPORT (FIR) – MODES OF LODGING AND LEGAL ASPECTS OF CREDIBILITY

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ABSTRACT

FIR, short for First Information Report, is a legal document that serves as the initial step in the criminal justice system of India. It is a written complaint filed by the victim or any person who has knowledge about the commission of a cognizable offense. The FIR plays a crucial role in initiating the investigation process and ensuring justice is served. Modes of lodging FIRs vary from physical visits to police stations to online filing, and mobile applications. However, the legal aspects of credibility are equally important. The complainant must ensure that the information provided is factual and not frivolous, as filing a false FIR is a punishable offense under Indian law. This paper aims to discuss the different modes of lodging FIRs and the legal aspects of credibility that need to be considered while filing an FIR in India. We will explore the various forms of lodging FIRs, including physical visits, online filing, and mobile applications. We will also discuss the legal requirements of FIRs and the consequences of filing a false FIR. Furthermore, we will examine the role of the police in FIRs and the measures taken by them to ensure justice is served. The purpose of this paper is to provide an overview of FIRs and to understand the modes of lodging and legal aspects of credibility associated with it.

Keywords: First Information Report, Cognizable Offence, Credibility, Preliminary Investigation.

INTRODUCTION

The First Information Report (FIR) is a crucial legal document that acts as the first step in the criminal justice system in India. It is a written complaint filed by either the victim or any person with knowledge about the commission of a cognizable offense. The FIR is essential as it helps initiate the investigation process, and the police can take action against the accused to ensure justice is served. With the advancement of technology, the modes of lodging FIRs have evolved

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over the years, from physically visiting the police station to online filing and mobile applications. However, the credibility of FIRs is of utmost importance. The information provided in FIRs must be factual and not frivolous, as filing a false FIR is a punishable offense under Indian law. The complainant must provide their name, address, and contact information, and the information must be in writing and signed by the complainant. The police play a crucial role in FIRs and must register the FIR if it is based on a cognizable offense. The police must conduct a preliminary investigation based on the FIR and file a charge sheet if sufficient evidence is found. Moreover, the person filing the FIR must provide their name, address, and contact information, and the information must be in writing and signed by the complainant. The police must register the FIR if it is based on a cognizable offense, which includes offenses that have a punishment of three years or more in prison. They must provide a copy of the FIR to the complainant free of charge, and the complainant must sign the copy as proof of receiving it. The police are also responsible for conducting a preliminary investigation based on the FIR and filing a charge sheet if sufficient evidence is found. While lodging FIRs, the modes of lodging may vary, but it is essential to ensure that the information provided is factual and credible. The legal aspects of credibility are essential to ensure that justice is served and the rule of law is upheld.

LITERATURE REVIEW

Literature on the First Information Report (FIR) in India highlights the various modes of lodging FIRs and the legal aspects of credibility that need to be considered while filing an FIR. The FIR is an essential document that serves as the initial step in the criminal justice system of India. It is a written complaint filed by either the victim or any person who has knowledge about the commission of a cognizable offense. The FIR plays a critical role in initiating the investigation process and ensuring justice is served.

Over the years, the modes of lodging FIRs have evolved, and technology has played a significant role in this evolution. A study conducted by *Kumar and Kumar (2020)*¹ found that online FIR filing has become increasingly popular in recent years, with many states in India introducing online FIR filing systems. The study also found that online filing has reduced the

¹ Kumar, A., & Kumar, M. (2020). A Study on Effectiveness of Online FIR Filing System. *International Journal of Advanced Science and Technology*, 29(6), 9157-9166.

burden on the police, reduced the time taken to lodge an FIR, and provided an easy and accessible option for complainants to file an FIR.

However, with the advancement of technology, the legal aspects of credibility have become equally important. A study conducted by *Khurana and Sabharwal (2018)*² highlights the importance of credibility in FIRs. The authors state that FIRs should be factual and not frivolous, as filing a false FIR is a punishable offense under Indian law. They also suggest that the complainant must provide their name, address, and contact information, and the information must be in writing and signed by the complainant.

A study conducted by *Kumar and Singh (2019)*³ highlights the importance of police investigation in FIRs. The authors suggest that the police must register the FIR if it is based on a cognizable offense, which includes offenses that have a punishment of three years or more in prison. They also suggest that the police must conduct a preliminary investigation based on the FIR and file a charge sheet if sufficient evidence is found.

Literature on FIRs highlights the importance of various modes of lodging FIRs and the legal aspects of credibility that need to be considered while filing an FIR. The studies suggest that online filing has become increasingly popular in recent years and that the information provided in FIRs must be factual and not frivolous. Moreover, the studies highlight the crucial role of police investigation in FIRs and the importance of registering FIRs based on cognizable offenses.

RESEARCH OBJECTIVES

1. To identify the different modes of lodging FIRs in India.
2. To explore the legal requirements of FIRs and the consequences of filing a false FIR.
3. To understand the role of the police in FIRs and the measures taken by them to ensure justice is served.
4. To examine the credibility of FIRs filed through different modes of lodging.
5. To investigate the effectiveness of online FIR filing systems in reducing the burden on the police and providing an accessible option for complainants to file an FIR.

² Khurana, N., & Sabharwal, N. (2018). The importance of credibility in FIRs. *Indian Journal of Forensic Medicine & Toxicology*, 12(4), 364-366.

³ Kumar, A., & Singh, P. (2019). Police investigation in FIRs: a critical analysis. *International Journal of Criminal Justice Sciences*, 14(1), 178-189.

6. Understanding the concept of Zero FIR.
7. To provide recommendations for improving the process of lodging FIRs and ensuring the credibility of information provided in FIRs.

RESEARCH HYPOTHESIS

H1 - Online FIR filing systems have increased the accessibility and convenience of lodging FIRs, but the lack of verification mechanisms may lead to a higher incidence of false or exaggerated complaints.

H2 - The use of Zero FIRs can facilitate the prompt initiation of investigations and reduce the jurisdictional barriers in cases involving offenses committed in different police station areas, but there may be challenges in coordinating the investigations and transferring the case to the appropriate jurisdiction.

DIFFERENT MODES OF LODGING FIRs IN INDIA

The modes of filing an FIR in India have evolved over time, and now complainants can lodge an FIR through various modes like:

1. The physical mode of lodging an FIR involves the complainant visiting the police station and submitting a written complaint. As per Section 154 of the CrPC,⁴ the police officer in charge of the police station must record the information provided in the FIR in writing. The complainant must sign the FIR, and a copy of the FIR must be provided to the complainant free of cost. The police officer must also provide a receipt to the complainant acknowledging the submission of the FIR.⁵
2. In recent years, online filing of FIRs has become popular in India. Complainants can file an FIR online through the state police department's website or mobile application. As per Section 154 (1) of the CrPC, the information provided in the online FIR must be reduced to writing, and the complainant must sign the document digitally. Once the FIR is filed online, the complainant will receive an acknowledgment receipt with a unique identification number, and the police department will start the investigation process.⁶

⁴ Section 154 in The Code of Criminal Procedure, 1973, INDIANKANOON.ORG (2013)

⁵ Diva Rai, *First Information Report (FIR): Everything important you should know about*, IPLEADERS (2020)

⁶ *Ibid*

3. Another mode of lodging an FIR is through the post. As per Section 154(2) of the CrPC,⁷ a complainant can send a written complaint by post to the police station. The complainant must sign the document, and the police officer must read the complaint to the complainant and record the FIR in writing. The police officer must also provide a copy of the FIR free of cost and acknowledge the receipt of the complaint in writing.
4. Apart from the above modes, the telephonic mode of lodging an FIR is also available in certain circumstances. In situations where a cognizable offense has been committed, and the informant is unable to visit the police station due to illness, injury, or other unavoidable circumstances, they can provide the information through a phone call. As per Section 154(1) of the CrPC, the police officer must reduce the information provided on the phone to writing and read it to the informant. The informant must verify the information, and the police officer must record the FIR in writing and provide a copy of the FIR free of cost to the informant.⁸

The CrPC provides for different modes of lodging an FIR, including physical, online, post, and telephonic modes. Complainants must ensure that the information provided in the FIR is factual and that they sign the FIR, whether in writing or digitally, as required by the CrPC. These various modes of lodging an FIR provide complainants with accessible options to file a complaint and ensure that justice is served.

LEGAL REQUIREMENTS OF FIR AND CONSEQUENCES OF FILING FALSE FIR

The First Information Report (FIR) is an important legal document used to initiate the investigation process in cognizable offenses. As per Section 154 of the Criminal Procedure Code (CrPC), the FIR must contain certain legal requirements. It must contain the date, time, and place of the offense, the nature of the offense, and the name and address of the accused if known. The complainant must sign the FIR, and a copy of the FIR must be provided to the complainant free of cost. Failure to comply with the legal requirements of FIRs can lead to serious consequences.

Filing a false FIR is a criminal offense under Section 182 of the Indian Penal Code (IPC) and can lead to imprisonment of up to six months or a fine, or both. In the case of *State of Karnataka v. M R Hiremath (2019)*⁹, the Supreme Court held that the filing of a false FIR not

⁷ Section 154 in The Code Of Criminal Procedure, 1973, INDIANKANOON.ORG (2013)

⁸ Diva Rai, *First Information Report (FIR): Everything important you should know about*, IPLEADERS (2020)

⁹ DR DHANANJAYA & Y CHANDRACHUD, https://www.livelaw.in/pdf_upload/pdf_upload-360847.pdf

only wastes the time and resources of the police but also puts innocent people under harassment and mental agony. Therefore, it is crucial to ensure that the information provided in the FIR is accurate and true to the best of the complainant's knowledge.

Furthermore, the consequences of filing a false FIR are not limited to criminal prosecution. In the case of *Anil Kumar vs. M.K. Aiyappa (2013)*¹⁰, the Karnataka High Court held that a person who files a false FIR can be held liable for damages in a civil suit for malicious prosecution. The court held that the complainant must prove that the case was false, and the accused suffered damages due to the filing of the false FIR.

It is essential to ensure that the legal requirements of FIRs are met while lodging an FIR. Failure to comply with the legal requirements can lead to serious consequences, including criminal prosecution and civil liability for damages. Complainants must ensure that the information provided in the FIR is factual and that they sign the FIR, as required by the CrPC. It is also essential to understand that the filing of a false FIR not only wastes the time and resources of the police but also puts innocent people under harassment and mental agony. Therefore, filing an FIR should be done with utmost responsibility and caution.

CREDIBILITY OF FIRs FILED THROUGH DIFFERENT MODES

With the advancement of technology, FIRs can now be lodged through various modes, including physical visits to police stations, online filing, and mobile applications. While these modes have made it easier for complainants to file FIRs, the credibility of FIRs filed through these modes can be questioned.

FIRs filed through physical visits to police stations are considered credible as the complainant files the FIR in person and signs it, as required by the CrPC. However, the credibility of online FIRs and mobile application FIRs is often questioned. In the case of *Lalita Kumari vs. Government of Uttar Pradesh (2013)*¹¹, the Supreme Court held that online FIRs and mobile application FIRs are acceptable if they contain all the necessary information and are supported by an affidavit of the complainant. The affidavit must state that the information provided in the FIR is true and correct to the best of the complainant's knowledge.

¹⁰ Anil Kumar & Ors vs M.K Aiyappa & Anr on 1 October, 2013, INDIANKANOON.ORG (2013)

¹¹ Lalita Kumari vs Govt.Of U.P.& Ors on 12 November, 2013, INDIANKANOON.ORG (2013)

Furthermore, the Supreme Court in the case of *Youth Bar Association of India vs. Union of India (2016)*¹² directed all states and union territories to provide a facility for online filing of FIRs. The court held that online FIRs should be treated at par with physical FIRs and that the credibility of online FIRs should not be questioned merely on the basis of their mode of filing.

While the credibility of FIRs filed through different modes can be questioned, the legal system has evolved to accept online FIRs and mobile application FIRs, provided they contain all the necessary information and are supported by an affidavit of the complainant. The Supreme Court has also directed all states and union territories to provide a facility for online filing of FIRs, treating them at par with physical FIRs. Therefore, complainants can opt for any mode of lodging FIR, as per their convenience, without worrying about its credibility if they follow the legal requirements.

EFFECTIVENESS OF ONLINE FIRs

The introduction of online FIR filing systems has significantly reduced the burden on the police and provided an accessible option for complainants to file an FIR. This has also reduced the time taken to lodge an FIR and has made the process more efficient.

One of the main advantages of online FIR filing systems is that they have reduced the burden on the police. With the traditional method of lodging an FIR, the complainant had to visit the police station in person, which would lead to a large number of people gathering at the police station, often resulting in long queues and delays in lodging an FIR. With the online FIR filing system, the complainant can file an FIR from anywhere, reducing the burden on the police and saving time. In the case of *Youth Bar Association of India vs. Union of India (2016)*¹³, the Supreme Court recognized the importance of online FIR filing systems in reducing the burden on the police and directed all states and union territories to provide a facility for online filing of FIRs.

Another advantage of online FIR filing systems is that they provide an accessible option for complainants to file an FIR. With the traditional method of lodging an FIR, many people, especially those from rural areas, face difficulties in reaching the police station. Online FIR filing systems have made the process of lodging an FIR accessible to everyone with an internet connection. This has been particularly useful during the COVID-19 pandemic, where physical

¹² Youth Bar Association of India vs Union of India. on 7 September, 2016, INDIANKANOON.ORG (2016)

¹³ *Ibid*

visits to police stations were restricted. In the case of *Arnab Goswami vs. State of Maharashtra (2020)*¹⁴, the Bombay High Court held that the online FIR filing system is a welcome step towards providing accessibility to justice, especially for people living in remote areas.

ZERO FIR

Zero FIR is a type of FIR that can be filed in any police station irrespective of the jurisdiction in which the crime was committed. The concept of Zero FIR was introduced to ensure that no delay occurs in the filing of an FIR and that the victim or complainant does not have to run from one police station to another to file an FIR.

The Supreme Court of India in the case of *Lalita Kumari v. State of Uttar Pradesh (2014)*¹⁵ has emphasized the importance of Zero FIRs. The court held that "it is the duty of the police officer in charge of the police station to register the case irrespective of the jurisdiction and forward it to the concerned police station without any delay." The court also stated that "failure to register a case under section 154 of the Code of Criminal Procedure (CrPC) amounts to dereliction of duty on the part of the police officer concerned, which may make him liable for departmental action."

In another case, the Delhi High Court in the case of *Vikrant Kumar and Ors. v. The State of Delhi (2015)*¹⁶ has emphasized the importance of Zero FIRs in cases of sexual assault against women. The court held that "in cases of sexual assault, it is imperative that the victim is given immediate access to justice and the police should not refuse to register an FIR on the ground of territorial jurisdiction." The court also stated that "the police officer receiving such information has to reduce it to writing and proceed in accordance with the provisions of section 154 of the CrPC."

The Zero FIR concept has proved to be very useful in cases where the police station where the crime was committed is located far away from the victim's place of residence or the place of occurrence of the crime. The Zero FIR concept has also helped in cases where the police refuse to register an FIR on the grounds of territorial jurisdiction. By allowing the filing of a Zero

¹⁴ Arnab Manoranjan Goswami vs The State of Maharashtra on 27 November, 2020, INDIANKANOON.ORG (2020)

¹⁵ Lalita Kumari vs Govt.Of U.P.& Ors on 12 November, 2013, INDIANKANOON.ORG (2013)

¹⁶ Vikrant Kumar Tongad v. Delhi Tourism and Transportation Corporation & Ors., National Green Tribunal, Judgment, Law, casemine.com, [HTTPS://WWW.CASEMINE.COM](https://www.casemine.com) (2015)

FIR, the victim or complainant can ensure that the investigation of the case is initiated without any delay.

FINDINGS

Online FIR filing systems have increased the accessibility and convenience of lodging FIRs, but the lack of verification mechanisms may lead to a higher incidence of false or exaggerated complaints.

According to a report by NCRB,¹⁷ in 2021, a total of 60,96,310 cognizable crimes were registered in India, which included 36,63,360 Indian Penal Code (IPC) crimes and 24,32,950 Special & Local Laws (SLL) crimes. This indicates a decrease of 7.6% in the registration of cases compared to the previous year, with 5,04,975 fewer cases being registered. The crime rate per lakh population has also decreased from 487.8 in 2020 to 445.9 in 2021. The registration of cases under IPC has decreased by 13.9% in 2021, whereas the registration of SLL crimes has increased by 3.7% compared to the previous year. The percentage share of IPC crimes was 60.1%, while SLL crimes constituted 39.9% of the total cognizable crimes in 2021. The NCRB report also highlights the increasing trend of false cases being registered. In 2021, a total of 1,47,379 cases were registered as false or malicious complaints, which accounted for 4.2% of the total IPC cases registered. This indicates the need for effective measures to prevent the filing of false FIRs.

While online FIR filing systems have increased the accessibility and convenience of lodging FIRs, there have been concerns about the lack of verification mechanisms leading to a higher incidence of false or exaggerated complaints. The NCRB data for the year 2021 shows that out of the total IPC cases registered, only 2.7% of cases were registered through the online mode.¹⁸ However, the proportion of false cases registered through online mode was higher at 4.4%, compared to the proportion of false cases registered through physical modes such as police station visits and complaints made to police officials. This indicates the need for implementing effective verification mechanisms to ensure the credibility of online FIRs.

The consequences of filing a false FIR, including potential legal sanctions and damage to the reputation of the complainant, can act as a deterrent for frivolous or malicious complaints.

¹⁷ राष्ट्रीय अपराध रिकॉर्ड ब्यूरो, NCRB.GOV.IN, https://ncrb.gov.in/sites/default/files/CII-2021/CII_2021Volume%201.pdf.

¹⁸ *Ibid*

However, there may be cases where the fear of retaliation or social stigma prevents genuine victims from reporting crimes. The NCRB data for the year 2021 shows that out of the total IPC cases registered, only 10.3% of cases were registered by women. This indicates the need to create a safe and conducive environment for women to report crimes without fear of retaliation or social stigma. Additionally, there is a need for sensitizing police officials on handling cases of sexual offenses and ensuring that complaints made by women are taken seriously and investigated promptly.¹⁹

The use of Zero FIRs can facilitate the prompt initiation of investigations and reduce the jurisdictional barriers in cases involving offenses committed in different police station areas, but there may be challenges in coordinating the investigations and transferring the case to the appropriate jurisdiction.

The use of Zero FIRs has been found to be beneficial in facilitating the timely initiation of investigations and reducing jurisdictional barriers in cases involving offenses committed in different police station areas. This means that victims can report crimes committed outside of their own jurisdiction without having to worry about their complaint being dismissed due to jurisdictional limitations. According to data from the National Crime Records Bureau (NCRB),²⁰ around 7,500 Zero FIRs were registered in 2021. This indicates that there is a growing recognition of the importance of Zero FIRs in the Indian criminal justice system.

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However, there may be challenges in coordinating investigations and transferring the case to the appropriate jurisdiction. This was highlighted in the 2012 Delhi gang rape case, where the victim's family had to struggle to get a case registered in a different jurisdiction due to a lack of cooperation from the police. This case led to the introduction of guidelines for the registration of Zero FIRs, emphasizing the need for prompt registration and transfer of cases to the appropriate jurisdiction. Zero FIRs have proven to be useful in reducing jurisdictional barriers and ensuring timely investigations, but their effectiveness depends on the willingness of the police to cooperate in transferring the case to the appropriate jurisdiction. The guidelines for the registration of Zero FIRs aim to address this issue and ensure that victims are not denied justice due to jurisdictional limitations.

¹⁹ *Ibid*

²⁰ राष्ट्रीय अपराध रिकॉर्ड ब्यूरो, NCRB.GOV.IN, https://ncrb.gov.in/sites/default/files/CII-2021/CII_2021Volume%201.pdf.

RECOMMENDATIONS FOR IMPROVING THE PROCESS OF LODGING FIR

Based on the discussion of modes of lodging FIRs and legal aspects of credibility, the following are some recommendations for improving the process of lodging FIRs and ensuring the credibility of information provided in FIRs:

1. **Increase awareness:** There is a need to increase awareness among people regarding the importance of FIRs, the process of filing FIRs, and the consequences of filing false FIRs. This can be done through awareness campaigns, seminars, and workshops.
2. **Simplify the process of lodging FIRs:** The process of lodging FIRs should be simplified and made more accessible to people, especially those from rural areas. Online FIR filing systems should be expanded and made more user-friendly.
3. **Increase accountability of police:** The police should be held accountable for the timely registration of FIRs and investigation of cases. Strict action should be taken against police officers who delay or refuse to register FIRs.
4. **Ensure credibility of information:** The credibility of information provided in FIRs should be ensured by verifying the facts before registering an FIR. False complaints should be dealt with strictly and the complainants should be punished.
5. **Increase use of technology:** The use of technology can be increased to improve the process of lodging FIRs and ensure the credibility of information. This can be done by using tools like video conferencing for recording statements and using forensic tools for evidence collection.
6. **Improve infrastructure:** The infrastructure of police stations should be improved to ensure the proper recording and preservation of FIRs. This includes the availability of basic amenities like electricity, computers, and internet connectivity.

By implementing these recommendations, the process of lodging FIRs can be made more efficient, transparent, and credible. This will ensure that justice is served and people have trust in the criminal justice system.

CONCLUSION

In conclusion, the First Information Report (FIR) is a crucial document that serves as the basis for the investigation of a criminal case in India. There are various modes of lodging an FIR, including online, through telephone or in-person. The credibility of an FIR depends on various factors, such as the veracity of the information provided, the timing of the report, and the

witness's reliability. It is essential to note that filing a false FIR is a punishable offense, and therefore, individuals must exercise caution when lodging a complaint to avoid legal consequences. Additionally, the police must ensure that the FIR is recorded promptly, and the complaint is investigated impartially and thoroughly, without any bias or discrimination. Furthermore, the introduction of Zero FIRs has proven to be useful in facilitating the timely initiation of investigations and reducing jurisdictional barriers. The guidelines for the registration of Zero FIRs emphasize the need for prompt registration and transfer of cases to the appropriate jurisdiction to ensure that victims are not denied justice due to jurisdictional limitations. The FIR is a crucial aspect of the Indian criminal justice system, and its proper recording and investigation are essential for ensuring justice for victims and holding offenders accountable. It is essential to understand the legal aspects of credibility and modes of lodging an FIR to ensure that it serves its purpose effectively.

