

**INFORMATION GIVEN TO THE POLICE AT THE FIRST
INSTANCE AND ITS COMPARATIVE ANALYSIS WITH
PAKISTAN, NIGERIA AND FRANCE**

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ABSTRACT

To investigate the numerous legal ramifications of Section 154 of the Criminal Procedure Code of 1973², including whether telephonic communication falls within its purview. We have intended a thoughtful and comprehensive assessment of the legal matters pertaining to the statutory obligation of a police station's officer-in-charge in recording a First Information Report and initiating an inquiry upon it, as well as the principles relating to the High Court's exercise of additional and innate abilities in quashing either the FIR or the whole criminal trials, as the case may be; and, taking into consideration the enunciations of law.

We'll also look at the FIR's probative value, its legitimacy when it's inaccurate or fake, and the admissibility of simple oral or telephone reporting. It goes without saying that the police have to know that a crime has been perpetrated before they can commence an inquiry. This is feasible if someone goes to the police station and tells them about the crime they did. This is widely termed to as the First Information Report (FIR) and is governed by Section 154 of the Criminal Procedure Code of 1973. According to the section, if information is provided verbally to an officer-in-charge of a police station in the case of a cognizable offence, the information should be:

- 1. Written by such officer;*

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² Information In Cognizable Cases.

2. *Read out to the informant;*
3. *The informant's signature must be obtained on the written information; and*
4. *Eventually, it must be registered in the case diary intended for this objective by such officer.*
5. *In accordance with Section (2)2, a copy of the report must be given to the informant³.*

Keywords: crime, criminal, FIR, information, police, legal, law, offence, investigate.

INTRODUCTION

"Every evidence pertaining to the commission of a cognizable offence, if orally administered to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be perused over to the informant; and every such information, regardless of whether granted in written form or reduced to writing as aforementioned, shall be signed by the person providing it, and the substance thereof will be entered in a diary to be maintained," according to Section 154 ("Information incognizable offences).

"A duplicate of the information as documented be delivered to the informant immediately, completely for free.⁴"

The occurrence of offenses cannot be prevented in any community, whether established, growing, or impoverished. After a crime has occurred, the next stage in putting the law into action is to notify the offence to the police. The police must, among many other things, keep track of the offenses perpetrated within their domain. In general, police prefer to record small

³ A copy of the information as recorded under sub- section (1) shall be given forthwith, free of cost, to the informant.

⁴ S. 154(2) of the Code Of Criminal Procedure.

(non-cognizable) crimes over significant (cognizable) crimes because as the number of crimes grows, the government, especially judicial mechanism, begins to question the police's efficacy, ability, and professionalism, and the police seek to avoid filing FIRs. Non-registration of FIRs, for example, is a significant source of public unhappiness with police.

"Information provided under sub-section (1) of section 154 of CrPC, is generally recognized as the FIR, although the phrase is not used in the code, and as its nick name suggests, it is the oldest and first documentation of the cognizable offence documented by an officer in charge of a police station," the Hon'ble Supreme Court of India stated in its judgement in the issue of *T.T. Antony v. State of Kerala and Ors*⁵. "FIR is a report containing information of the occurrence of the cognizable offence that may be submitted by the complaint or by the complainant or by any other person's knowledge about the occurrence of such crime," the Supreme Court stated in *Ravi Kumar v. State of Punjab*⁶.

REVIEW OF LITERATURE

1. Nidhi Vaidya, Raghavendra Singh Raghuvanshi, "*First Information Report (FIR) – Modes of Lodging and Legal Aspects of Credibility*", Social Science Research Network (SSRN), 27th February, 2010.

To look at the FIR's probative value, its legitimacy when it's inaccurate or fake, and the admissibility of simple oral or telephone reporting. It goes without saying that the police have to know that a crime has been perpetrated before they can commence an inquiry. This is feasible if someone goes to the police station and tells them about the crime they did. This is widely termed to as the First Information Report (FIR) and is governed by Section 154 of the

⁵ T.T. Anthony Vs State of Kerala and others, AIR 2001 SC 2637.

⁶ Ravi Kumar v. State of Punjab, CRL. MISC. No. M-34990 of 2016

Criminal Procedure Code of 1973.

2. Anil Balbera, “*A Study About First Information Report (FIR) And Its Various Aspects Under Criminal Law*”, International Journal Of Research.

When the authorities acquire information about the occurrence of a cognizable crime, they compile a formal report called a First Information Report (FIR). The basic goal of filing a FIR is to start the criminal justice process, to not reveal most of the specifics of the case. It's termed a 'First Information Report' since it's a summary of facts that reaches the police first in time. It can only be used for specific purposes, such as authenticating the creator, serving as a res-gestae, or being presented in a valid case under section 32(1)⁷ of the Indian Evidence Act.

3. Jamshed, “*First Information Report (FIR): A Critical Study*”, International Journal Of Institutional & Industrial Research.

To begin any investigation, the authorities must first recognize that a crime has been reported. This is possible if someone visits the police station and informs the officers the details of the offence. This is commonly referred to as the First Information Report (FIR) and is governed by Section 154 of the Criminal Procedure Code of 1973. (hereinafter alluded to as "Cr.P.C."). The primary data analysis is the information gathered under Section 154 in connection with the occurrence of a cognizable offence for which the investigation is being conducted.

4. Dr. Raj Kumar Yadav, “*First Information Report And Delay In Registration Of A Case: A Study Of Judicial Trends*”, Research Gate, March 2012.

The timely filing of information about a cognizable offence at the first opportunity possible is

⁷ When It Relates To Cause Of Death.

meant to be the correct interpretation, with no exaggeration, fabrication, or modification. After thinking and adjustments are gone, the recollection is clean, and information is supplied without losing time, the risks of missing pieces coming from external influences are reduced. There were several difficulties in registering a complaint in the past, such as proximity between the police station and the scene of the crime, transportation, and communication means, but with the passage of time, some of these problems have faded⁸.

5. M. Pragadeeswaran, Arya R, "*A Study On The Evidentiary Value Of FIR In India*", International Journal Of Pure And Applied Mathematics.

There are three types of testimonies given to the police: a) statements documented as a First Information Report (hence referred to as FIR); b) statements recorded by the police over the process of an inquiry. c) a testimony taken by the police but not belonging into the aforesaid categories (a) and (b). None of the preceding assertions can be called substantial proof, that is, proof of the facts claimed⁹. It is not offered under oath or subjected to cross-examination because it is not provided throughout a trial.

6. YS Rao Judge, "*FIR*", Legal Service India.

The primary goal of registering a FIR is to start the criminal justice process, not to disclose every record. Despite the fact that the term "first" is not used in the code, the information under section 154 of the Cr.P.C is commonly referred to as F.I.R.

F.I.R. is not the be-all and end-all of each and every criminal proceeding, and it is not admissible in court¹⁰. It should only be used for specific objectives, such as authenticating the

⁸ Bathula Nagamalleswara Rao & Ors. V. State Rep. By Public Prosecutor. 2008(2) CRIMES 188 (SC) at page 189.

⁹ S. 25 of Indian Evidence Act. Confession To Police Officer Not To Be Proved.

¹⁰ *Supra*.

fabricator¹¹, as one of the res-gestae, for being presented in a proper case u/sec 32 (1) of the Evidence Act, or as element of the informant's behaviour u/sec 8 of the Evidence Act.

7. Ganashree G, Kavya N S, Likitha M P, Rajesh I S, Soumya Dath G, “*A Survey On Securing Crime Case Summary & E-FIR In Police Station*”, International Journal Of Creative Research Thoughts.

We can observe how technology has transformed each part of our lives in India. Technology exists in various industries, such as schooling, agriculture, commerce, administration, and so on, and we can see how advantageous it is because it saves time, resources, and manpower. Despite its technological developments, the method falls short in terms of safety. When it comes to the present day, India has entered the digital age following the launch of the "Digital India" program, in which the Indian Police Department substituted the manual method with a centralized online application for filing complaints¹². This article shows how to use Blockchain technology to secure criminal case summaries and E-FIRs in police stations.

8. Prof. Swati Bhavsar, Shreya S Deshpande, Poonam S. Lad, Nikita K Aher, Pratiksha S Khalkar, “*Online FIR Management System*”, International Journal Of Scientific Development And Research.

India is now a developing nation. As a result, numerous technological advances are being brought into our lives in order to provide us with a more luxury lifestyle. The innovations are employed in the academic, financial, and banking industries, among others. In comparison to other countries, our nation has a greater population. As a result, community safety is the most

¹¹ S.157 of the Indian Evidence Act. Former Statements Of Witness May Be Proved To Corroborate Later Testimony As To Same Fact.

¹² Aaptaxlaw.com. n.d. Telangana Police file FIR online| Register Petition for all Police Stations in Telangana | tspolice.gov.in. [online] Available at: <https://www.aaptaxlaw.com/online/telangana-police-register-fir-online-file-petition-complaint-with-telangana-police-stations.html>.

crucial component of our nation's safety system. The Indian government created the police system to ensure safety of the public. If we applied our technology to the Indian police system, it would be extremely helpful to humanity. A First Investigation Report (FIR) is a document that summarizes the findings of an inquiry. We can file a complaint if we are in any difficulties. The filing of a police report is the first stage; following that, authorities can begin their inquiry. This system was formerly unavailable.

STATEMENT OF THE PROBLEM

FIR has its own probative value and when the FIR laws of India are compared with the FIR laws of other nations, they either serve as an aid or hindrance to the same.

RESEARCH GAP

Although First Information Report is prevalent almost everywhere around the world, there are a few differences in the filing process of an FIR in Indian and in other nations of the world.

HYPOTHESIS

Ho - FIR can be treated as a substantive piece of evidence under the FIR-related laws of various countries.

Hs - FIR cannot be treated as a substantive piece of evidence as it is neither investigation stated nor any evidence recorded.

RESEARCH QUESTIONS

- What is the remedy in law to check on failure to register FIR or delay recording the FIR?
- What is the remedy available to the victim to get FIR registered when police derelicts in its duty?

- What is the objective of an FIR?
- What are the essential conditions of an FIR?
- What kind of information is considered in an FIR?
- What is the evidentiary value of an FIR?
- What is the process of filing an FIR in Pakistan, Nigeria, and France?
- What are the similarities in the FIR filing procedures in the above-mentioned countries?
- What are the differences in the FIR filing procedures in the above-mentioned countries?

ANALYSIS

The verbal information provided by an informant to an officer in charge of a police station about the occurrence of a cognizable offence is converted to writing, presented to the informant, and his signature is acquired¹³. A report like this is known as a First Information Report. The contents of this report must be documented in the station's journal¹⁴.

If a woman is the victim of a crime, the information must be documented by a woman police officer or any female officer¹⁵. If the complainant is fully or partially psychologically and physically impaired, the information will be recorded by a police officer at the person reporting the crime's home or at another suitable area of the victim's selection. The collection of such information must be video graphed, and the police officer must have the woman's

¹³ S. 154(1) of Code Of Criminal Procedure.

¹⁴ S. 172 of Code Of Criminal Procedure. Diary Of Proceedings In Investigation.

¹⁵ 2013 (Criminal Law Amendment Act, 2013).

testimony documented by a judicial magistrate.¹⁶

The informant must be provided with a free copy of the FIR.

In the event that the police officer fails to file a FIR, the informant may contact the Superintendent of Police by sending the information in written form or by mail, and the SP, if fulfilled, can either conduct an investigation himself or initiate an inquiry to be conducted by any police officer under his command¹⁷.

On the basis of the information divulging a cognizable offence in accordance with the requirements of Section 154 of the Cr.P.C, the involved police officer cannot conduct an investigation into whether the information given by the informant is dependable or authentic and fail to register a complaint on that premise. Thus, it is self-evident that if information divulging a cognizable offence is presented to a police officer in charge of a police station that satisfies the criteria of Section 154(1) of the CrPC, the officer has no choice but to join the content of the information in specified format, i.e., to record a case on the basis of such information.

In the case of *State of AP v. Punati Ramulu*¹⁸, the Supreme Court held that where an investigating officer has purposefully failed to register a FIR upon receiving information of a cognizable offence of the essence, as in this case, and has prepared the FIR after arriving at the scene after due discourse, evaluations, and dialogues, the outcome that the inquiry is tarnished becomes unavoidable, and it would be dangerous to depend on such a tarnished inquiry because no one knows how low the police officer went to manufacture evidence and

¹⁶ S. 164 of Code Of Criminal Procedure. Recording Of Confessions And Statements.

¹⁷ S. 154(3) of Code Of Criminal Procedure.

¹⁸ AIR 1993 SC 2644, 1993 CriLJ 3684, 1994 Supp (1) SCC 590.

generate false evidence.

The lag in filing the FIR could render the FIR untrustworthy, as well as raise suspicions about the police officer and cast a negative light on his work ethic. In *Mohindro v. State of Punjab*¹⁹, the plaintiff contacted the police to file a complaint against the alleged accused, however the police neither filed a complaint nor put the laws into action, thus she went to the High Court. The state's attorney said that an investigation had been conducted. The apex court asked how an investigation could take place without a criminal case being filed. The Supreme Court ordered that a complaint be filed based on the appellant's statement, and that the situation be thoroughly probed.

In another particular instance, *Abhay Nath Dubey v. State of Delhi*²⁰, the Court observed that if a cognizable offence was prima facie revealed and he had no choice but to launch a thorough investigation to evaluate the authenticity or trustworthiness of such information and accusation and reach conclusions and deliver the inquiry superfluous, he would be violating the mandate of Section 154(1) by refusing to file a FIR.

In the case of *Lalitha Kumari v. State of UP*²¹, the Supreme Court criticised the police's failure to lodge a FIR. It expressed dissatisfaction by noticing that, despite the court's ruling, the police authorities involved do not record FIRs except if the Chief Judicial Magistrate issues a directive. Even after FIRs are filed in a high majority of cases, investigations do not begin.

In the latest Unnao rape case²², we saw how the defendant fought tooth and nail for four months to get the FIR filed against him. In June 2017, the girl was assaulted, and she submitted a complaint the very next day, but no FIR was lodged. She subsequently lodged a complaint

¹⁹ (2001) 9 SCC 581.

²⁰ 99 (2002) DLT 114, 2002 (64) DRJ 126.

²¹ AIR 2012 SC 1515.

²² Shashi Singh vs Central Bureau Of Investigation on 16 July, 2019.

with the Rai Bareli Superintendent of Police, and then with the High Court, which ordered the police to file a case, which they did in April 2018. Rather than providing safety to a physically and emotionally traumatized victim, there was nothing but abuse. In this case, the court referred the matter to the CBI, demonstrating police ineptitude and carelessness and also political control over the police arrangement. In a notorious rape case involving a veterinary physician in Hyderabad, where the victim's family sought the police to file a missing person report, the police were accused of making inappropriate comments rather than filing a FIR and looking for the victim.

In several circumstances, when a law enforcement officer refuses to file a FIR, the matter is never brought to court, and the criminal walks free. The officer's failure to file a FIR is a breach of duty.

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An FIR filed puts the criminal justice system in action, and the goal of the investigating authorities is to gather information about the suspected illicit conduct so that they can take appropriate steps to track down and bring the accused individual to justice. The goal of pressing on filing a complaint with the police as soon as possible after committing a crime is to acquire adequate information on the events surrounding the offence. Lag leads to exaggeration, and the statement loses the benefit of immediacy. As a consequence of thought and discussion, there is also a risk of introducing a colored interpretation, inflated narrative or concocted tale.

The relevant requirements must be met in order for the information to be qualified as a FIR under Section 154:

- If the information concerns the performance of a criminal offence.
- If the information is delivered verbally or in writing by the informant.
- If given verbally, the officer in charge of a police station either under his supervision must put it on paper, and if provided in writing or converted to written form, the person who gave it must give his signature.
- The essence of the information shall be documented in a diary in the manner prescribed by the State Government in this regard. 'General Diary' is the title of this book.
- There must be something in the type of an allegation or charge regarding the incidence of a cognizable crime in order for the information to be classified as a FIR²³.
- An FIR can only hold information about the occurrence of a cognizable crime. It is not essential for the information to provide all of the case's details. It is also not necessary to include the identity of the perpetrator.²⁴ It is required to reveal information pertaining to the occurrence of a cognizable crime.

The following kinds of information are not deemed to be FIR:

- After the investigation was launched, information was obtained²⁵.
- S.H.O. reduces the telephonic communication on paper unless it has been delivered by a recognised individual who admits his identity and the message includes all the

²³ Tilakdhari vs State Of U.P. & Anr. on 18 March, 2021.

²⁴ State vs. Uttam & Anr. Fir No. 53/2018 on 27 April, 2019.

²⁵ Shayamsunder R. Agarwal vs State Of Maharashtra on 9 March, 2007.

required facts that form a crime.

- Information gathered from a small group of people.
- Information that is imprecise, hazy, and unauthorized.

An FIR is not a source of evidence in and of itself. That is, it is not admissible as proof of the statements expressed therein. FIR, on the other hand, could be used for the specified purposes:

- It could be used to back up an informant witness under section 157 of the Evidence Act. It cannot, however, be used to refute or undermine other testimonies.
- Under section 145 of the Evidence Act, it can be used to refute an informant testimony.
- Under section 155(3) of the Evidence Act, the defendant can employ the FIR to undermine the maker's credibility.
- Under Section 21 of the Evidence Act, a defendant's non-confessional FIR might be used against him as a confession.
- As substantiated evidence, a FIR could be used as a deathbed statement. If it has to do with the reason, event, conditions, or events that led to the informant's demise within the sense of the Evidence Act's section 32(1).

Since the defendant cannot be a witness for the prosecution and will very seldom submit oneself as a defense evidence u/s 315 of the Code, the FIR lodged by the defendant cannot be utilised for verification or refutation²⁶.

Pakistan: An FIR is a crucial document since it initiates the criminal justice system. The authorities begin their examination of the crime once the FIR is filed at the police station.

²⁶ Dr. Reyaz Farooq vs State And Ors on 12 November, 2018.

FIR is an important detail, as per *Articles 21²⁷, 22²⁸, 23²⁹, 25³⁰, 49³¹, and 50³²* of the *Qanoon-e-Shahadat Order 1984*.

An FIR can be filed to anybody who has information concerning the occurrence of a cognizable crime. It is not mandatory to submit an FIR solely if one is the victim of a violent crime³³. A police officer who learns of a cognizable crime might file a FIR on his or her own³⁴. If one meets the following criteria, one may register a FIR:

- You are the individual who has been charged with the crime.
- You are aware of a criminal offence that has occurred.
- You were present when the crime took place.
- Even though one submits an FIR, the police may not pursue the allegation if:
 - The matter is not a serious offence.
 - The police believe there is insufficient evidence to conduct an investigation.
 - Police resources are already overburdened with investigations into more severe offences.
 - The police, on the other hand, must keep track of the explanations for not launching an investigation and, in the latter case, should notify person. (Section 157(2) of the Code

²⁷ Motive, Preparation And Previous Or Subsequent Conduct.

²⁸ Facts Necessary To Explain Or Introduce Relevant Facts.

²⁹ Things Said Or Done By Conspirator In Reference To Common Design

³⁰ In Suits For Damages Facts Tending To Enable Court To Determine Amount Are Relevant

³¹ Relevancy Of Entry In Public Record Made In Performance Of Duty.

³² Relevancy Of Statements In Maps, Charts And Plans

³³ CPDI - Pakistan. n.d. First Information Report (FIR) (A Guide for Citizens). [online] Available at: <<https://www.cpd-pakistan.org>> What_is_an_FIR>

³⁴ *Supra*.

of Criminal Procedure, 1898³⁵).

Section 154 of the Code of Criminal Procedure, 1898³⁶, lays forth the steps for lodging a FIR.

It goes like this:

- The police should note down information about the occurrence of a cognizable offence delivered verbally.
- As a person providing information or lodging a complaint, one has the privilege to have the information recorded by the police presented to them.
- The information has been registered in the FIR Register by the police, and the individual providing the information should sign it.
- One must only sign the report after double-checking that the information recorded by the police matches the information you provided.
- People who are unable to read or write should stamp the paper with their left thumb after ensuring that it is accurate.
- If the police do not offer you a duplicate of the FIR, constantly request for one.
- You have the right to a free duplicate of the FIR.

Considering the conditions, the legislative and legal organizations of Pakistan must have acted to justify the FIR registration techniques to minimize its abuse. In an unexpected turn of events, tribunals have begun to accord such propriety to FIRs and the specifics of their components that once a FIR is recorded, it becomes extremely difficult for the suspect to strip oneself of this ailment, even if it was absolutely untrue.

In 2018, a seven-judge bench of the Supreme Court led by Justice Asif Saeed Khosa issued a

³⁵ Procedure Where Cognizable Offence Suspected.

³⁶ Information In Cognizable Cases.

judgement in the Sughran Bibi Case³⁷ that attempted to rectify the problem and ameliorate the marked influence of the FIRs. Regardless of the fact that the judgement plainly says that the FIR must be handled only as the plaintiff's interpretation of history and that the detective must discover the truth of the issue or not dedicate oneself pre-emptively to any perspective of the factual information for or against any individual, the practical reality in the domain stays practically constant.

An FIR has not always been held in such high regard as it is presently. When conditions were discovered to be questionable, a simple document was prepared under Section 157(2) CrPC, and the inquiry was postponed until enough proof became available. This process safeguarded against untrue FIRs. Sadly, the practice has been destroyed in view of some superlative judicial decisions stating that Sec 157(2) CrPC goes into effect only after the filing of a FIR³⁸.

In several developed nations, a huge number of cases are reported to the authorities, and the officers start an inquiry; however, a criminal probe is only conducted if there is some proof of the incidence of a violent act. This is a situation similar to the one described in Section 157(2) of the Criminal Procedure Code.

After the official investigation is finished, the complaint is sent to court only if the prosecution is comfortable that the evidence submitted is sufficient to face prosecution; or else, the lawsuit is dropped. Misleading testimonies complicate the cancellation process in the framework, which nevertheless relies heavily on ocular proof.

Further FIRs are seen as proof of a rise in violence, that concerns not just a Station House Officer but also law enforcement agents above him. As a result, Station House Officers have an opportunity not to record FIRs, and seniors may keep the issue quiet. More FIRs create

³⁷ Mst. Sughran Bibi versus The State. (No 10842-P).

³⁸ Masal Khan versus Government Of Pakistan Through Ministry Of Home, Islamabad 7 And Others.

more work, more cases to fix, more responsibility in front of seniors, and more court dates.

There is indeed a substantial threat that the inquiry officials will repress or even decimate proof to prefer the suspect. To avoid this, the quality of oversight must be increased, which means that prosecutors must be involved in the inquiry process from the beginning, and the Legal Branch at each Divisional Police Officer's headquarters must be reinforced to closely monitor all these cases and notify to the Divisional Police Officer any laxity or malafide discovered on the part of the police officials in order to initiate divisional and criminal court cases against miscreant officials.

In an imaginary explanation, the FIR must be predated by an inquiry, as it is in the Federal Investigation Agency (FIA)³⁹, where an official FIR is imbedded only if adequate evidence is found during the inquiry. This will also put an end to people arrested without substantial proof, as in FIA instances, arrests can only be made after a FIR has been filed. This will also remove the need for FIRs to be filed with phony witnesses.

In the case of *Asal Jana Versus State*⁴⁰, the petitioner approached the DSP Takht-e-Nasrati for taking action against Inspector Jahangir and other police officials, but in vain. She requested that the F.I.R. be registered against Inspector/S.H.O., Jahangir Khan, Police Station Takht-e-Nasrati and other police officials.

The learned counsel for the petitioner contended that the respondents have illegally raided the house of an aged lady and have burnt the house along with household articles to ashes by spoiling the sanctity of Chadar and Chardiwari. The act of the respondents is the worst example

³⁹ The Federal Investigation Agency (Urdu: *وفاقی تحریک ایمنی ادارہ*; reporting name: FIA) is a border control, criminal investigation, counter-intelligence and security agency under the control of the Interior Secretary of Pakistan, tasked with investigative jurisdiction on undertaking operations against terrorism, espionage, federal crimes, smuggling as well as infringement and other specific crimes.

⁴⁰ 2013 MLD 342.

of colorful exercise of power and high handedness. In support of his arguments, he placed reliance on PLD 2007 SC 539⁴¹. In this case, it was mentioned that section 22-A (6), Cr.P.C. empowers Justice of Peace for issuance of appropriate direction to the police authorities concerned, on complaint, for registration of a criminal case. But all these powers would not be exercised in random manners without application of independent mind. The powers under section 154, Cr.P.C. and section 22-A (6), Cr.P.C. are vested in the police authorities and Justice of Peace, respectively, for dispensation of justice, but on the same time, the Court would keep in mind that the said powers are never meant to be exercised in aid of injustice. Indeed, Article 25 of the Constitution of Islamic Republic of Pakistan, 1973 provides that all citizens are equal before law and are entitled to equal protection of law. This Article enumerates that any person how high so ever he may be, shall be provided with equal treatment with similar situated person. In this connection reference was made to the judgment reported in PLD 1965 SC 269 "*Tufail Muhammad and others v. Raja Muhammad Ziaullah Khan and another*", wherein it was held that writ jurisdiction is not to be exercised in aid of injustice. Although there are remedial provisions under section 169, Cr.P.C⁴². and section 182, P.P.C⁴³. for lodging false complaint, but the direction for registration of criminal case, most particularly in the instant peculiar circumstances of the case must encourage the wrong doer, and shall demoralize the law enforcing agencies. In the instant case, the mala fide of the petitioner is floating on the surface of the record and the tricky design is palpably visible and the issuance of direction for registration of a case against the police personnel would be an

⁴¹ Muhammad Bashir versus Station House Officer, Okara Cantt. And Others

⁴² To Release An Accused Person If The Investigating Officer Was Of The View That Sufficient Evidence Or Reasonable Grounds Justifying The Forwarding Of An Accused Person To A Magistrate, Were Not Available.

⁴³ False Information With Intent To Cause Public Servant To Use His Lawful Power To The Injury Of Another Person

exercise in aid to injustice, which has never been the intention of legislature in enactment of section 22-A, Cr.P.C.

The innocent persons would not be forced to go through rigorous multiplicity of proceedings provided by Criminal Procedure Code and Pakistan Penal Code. The judgment referred to by the learned counsel for the petitioner would not be helpful to him, because it is settled law that in criminal administration of justice each and every case is to be decided on its own peculiar facts and circumstances, as law laid down by the Hon'ble Supreme Court of Pakistan in case titled "*Rai Ashraf and other v. Muhammad Saleem Bhatti*"⁴⁴ held that each and every case is to be decided on its particular facts. In Mushtaq Ahmad's case⁴⁵ (PLD 1973 SC 418), it was held that everything said in the judgment and most particularly in judgment of criminal cases must be understood with great particularity as having been said with reference to the facts of that case. The constitutional jurisdiction of High Court could not be invoked if alternate remedy is available to the aggrieved party and in light of numerous judgments of Hon'ble Supreme Court of Pakistan, now it is settled law that the extraordinary jurisdiction under Article 199⁴⁶ of the Constitution of Islamic Republic of Pakistan, 1973 would only be exercised on proof of non-availability of adequate remedy. Reference may be made to the Abdur Kehman case (PLD 1987 SC 21) and Allah Baksh case⁴⁷ (1987 SCMR 810).

Section 22A The Sessions Judge has the authority under Section 154 of the Cr.

P.C. to instruct the registration of a case if a police officer fails to dispense their statutory duty.

The only authority that an Ex-officio Justice of the Peace can assert under Section 22-A of the Cr.P.C. is to investigate if the information reported by the claimant constituted a cognizable

⁴⁴ (PLD 2010 SC 691)

⁴⁵ State v. Mushtaq Ahmed.

⁴⁶ Jurisdiction Of High Court.

⁴⁷ Allah Bakhsh Versus Muhammad Ismail.

offence and, if it did, to initiate the concerned SHO to document a FIR, without heading into the factuality of the information in inquiry, and nothing else.

If a SHO refuses to record a FIR, he or she may be penalized under Section 29 of the Police Act of 1861, and the High Court may issue an instruction in this regard via writ petition. (Refusal of SHO to register FIR).

Nigeria: Criminal cases cover a wide range of offences against the government or an individual. It begins with the lodging of a written complaint, plea, First Information Report, or information, or with the lodging of a Charge.

As per Section 119 (1)⁴⁸ of the Criminal Procedure Code, 1960 of Nigeria, every First Information Report sent to a court shall be submitted through such officer of police, if any, as the Commissioner of Police for Northern Nigeria shall direct.

Sub – section 2 of the same section says that an officer through whom a First Information Report is submitted under the provisions of subsection may give such instructions as he thinks fit to the officer submitting the report and shall after recording such instructions, if any, on the first Information Report pass the same to the court without delay.

As per Section 120⁴⁹ of the Criminal Procedure Code, 1960 of Nigeria, after receiving the First Information Report the court may -

- (a) either direct that the police shall proceed with the investigation; or
- (b) if it thinks fit proceed to hold an inquiry into or otherwise deal with the case as provided in chapter XV⁵⁰.

⁴⁸ Manner of submitting First Information Report.

⁴⁹ Power of court on receiving First Information Report.

⁵⁰ S. 152 of the Criminal Procedure Code, 1960. Inquiry Or Trial. When a court taking cognizance of an offence is satisfied that there is sufficient ground for proceeding, it shall after causing process to issue for the attendance of the accused person. If he is not already in custody or on bail, proceed either to hold an inquiry into the offence or to try it provided that the court is competent so to do.

In the district courts, a criminal case can be started by the complainant lodging a complaint, or the authorities arraigning the complainant on a first information report, by information (information sheet that looks like a charge), or by a charge filed by the police⁵¹.

An information or a charge is used to bring a criminal case before a higher court. You can make a complaint at the police station or the registry in criminal cases. "Complaint" refers to a claim filed before a magistrate that a specific individual has perpetrated a crime in order for him to execute proceedings under the Criminal Procedure Act⁵².

- Any complaint need not be in written form unless it has been compelled to be in written form by the legislation on which it is based or by another legislation; and if a complaint is not made in writing, the court or registrar must convert it to written form.
- Every complaint may be brought without swearing, pursuant to the provisions of section 23 of the Criminal Procedure Act⁵³, unless some statute demands differently.
- Any such complaints may be filed in person by the complainant, by a legal representative acting on his account, or by anyone authorised on paper to act on his behalf, and must be considered in private.
- Each such complaint must be for a single crime, and it cannot be prevented by defining the crime or any substantial act related to it in lexical items as per the wording of the legislation defining such crime.

As per Section 121⁵⁴ of the Criminal Procedure Code, 1960 of Nigeria, every officer in charge of a police station conducting an investigation under Section 118⁵⁵, or any police officer

⁵¹ S. 143 of Criminal Procedure Code 1960 of Nigeria.

⁵² S. 1 of Criminal Procedure Code, 1960 of Nigeria.⁵²Power To Inflict Fine In Lieu Of Imprisonment. ⁵³Case Diary To Be Kept By Police.

⁵³ Power To Inflict Fine In Lieu Of Imprisonment

⁵⁴ Case Diary To Be Kept By Police.

⁵⁵ Procedure Where Warrant Is Not Required For Arrest.

deputed by the officer in charge of a police station to conduct such investigation, shall keep a case diary in which he shall set forth the First Information Report or a copy thereof shall in all cases be attached to and form part of the case diary.

As per Section 143⁵⁶ of the Code of Criminal Code, 1960 of Nigeria, subject to the provisions of chapter XIII⁵⁷ and XIV⁵⁸ and to any limitation on the powers of the court, a court may take cognizance of an offence upon receiving a First Information Report under Section 118.

France: Even though the culprit has not been discovered, the very first step after becoming a victim of violence in France is to register a complaint as quickly as feasible.

This stage can be taken by lodging a complaint with the police/gendarmerie or the Republic's prosecutor, or by filing a complaint with the court's constitution of civil party.

A complaint enables individuals to notify the judge that an offence was perpetrated and that she asserts to be a target of it. The reporter could stand trial if the allegation is prosecuted. If the complainant desires to claim damages for its losses, it can establish a civil party (damages). If the complainant does not know who committed the crime, he or she should file a complaint against X. The police, gendarmerie, or public prosecutor may be contacted to file a formal complaint.⁵⁸ Anyone who has been a target of an offence could file a complaint. Legal persons (corporate entities and organizations) could also file complaints to safeguard their investments or the goals they seek.

In France, the plaintiff has a limited time in which he/she can file a complaint. The complaint can no longer be filed after these due dates have passed. We're discussing restriction durations.

Other than in extraordinary cases, these times will be as follows:

⁵⁶ Cognizance Of Offence By Court

⁵⁷ Place Of Inquiry And Trial.

⁵⁸ Sanctions Necessary For The Initiation Of Certain Proceedings.

>1 year for tickets (unusual neighborhood condition, etc.),

>6 years for offence (robbery, abuse, forgery, etc.)

>And 20 years for crimes (murder, rape etc.)

For only certain offences, such time constraints could be lowered or lengthened. Thus, the limitation period for slurs is three months, while the limitation period for offences against juveniles and major offences (terrorist activity, great barbarism) is thirty years⁵⁹.

In general, that duration will start on the day the offence was perpetrated. However, when a crime is being committed against a child, a fresh postponement starts from the majority of the complainant.

A minor rape victim, for instance, can file a complaint until the age of 48, or 30 years after reaching puberty.

If the complainant does not know the accused's name or is unsure of his individuality, he should bring a complaint against an X.

1. The simplest approach to report a crime is to go to any police station and request that a complaint be filed ("déposer plainte").
2. The sufferer must be present during this process.
3. Even if the offense was not perpetrated in their geographical jurisdiction, the police are compelled by law to record any complaint obtained from a victim.
4. The victim is interviewed by a police officer and their testimony is recorded as part of the

⁵⁹Service-public.fr. 2020. Complain. [online] Available at: <https://www.service-public.fr/particuliers/vosdroits/F1435?lang=en>

filing process. Any type of proof provided should be attached to the statement (medical bills, pictures, invoices, etc.).

5. If tangible proof is required (for instance, in the instance of violence-related wounds or sexual abuse), the police will transfer the victim to the closest hospital's legal healthcare division, where a specialised physician will gather material proof and write a report for the detectives (i.e., DNA samples, pictures of the injuries, etc.).
6. In France, English-speaking personnel in police stations are uncommon, save in tourism destinations. As a result, it is essential that you go to the police station with a French speaker who can interpret the victim's testimony⁶⁰.
7. The victim is handed a certificate after the testimony is taken, and the police promptly notify the local prosecutor ("procureur de la République").
8. If the offense is a felony or the inquiry is complicated, the prosecutor may designate an impartial judge to look into the case, known as an examining judge ("juge d'instruction").
9. The police are expected to keep the victim updated on the inquiry's progress. As a result, it's critical to supply accurate contact information or choose an attorney to handle the matter.

In India, Pakistan and France, an FIR can be filed to anybody who has information concerning the occurrence of a cognizable crime. It is not mandatory to submit an FIR solely if one is the victim of a violent crime.

⁶⁰ Babonneau, S., n.d. Stéphane Babonneau - Paris Criminal Defense Attorney. [online] BABONNEAU MARIOTTI Avocats Pénalistes. Available at: <<https://www.sba-avocats.com/criminal-defense-attorney-paris-victim-of-a-crime-in-france.html>>.

The police should note down information about the occurrence of a cognizable offence delivered verbally.

The information that has been registered in the FIR Register by the police, and the individual providing the information should sign it.

Even if the offense was not perpetrated in their geographical jurisdiction, the police are compelled by law to record any complaint obtained from a victim.

In Pakistan, a copy of the FIR can be obtained free of cost.

In Nigeria, an FIR can be filed either at the police station or the registry, in criminal cases.

In Nigeria, it is not compulsory for the FIR to be in a written form.

In France, it is important for the victim to be present at the time of filing of the FIR.

In France, the victim is interviewed by a police officer and their testimony is recorded as part of the filing process.

The victim is handed a certificate after the testimony is taken, and the police promptly notify the local prosecutor.

In France, there is a timeframe for when a complaint can be filed.

SUGGESTIONS AND CONCLUSION

Based on the findings of the paper's research, we'd like to offer several recommendations in response to the problems raised in this study. As already said, The First Information Report (FIR) is a critical document that initiates a criminal inquiry. Furthermore, as the first report, it is an important piece of information in any criminal trial, both for corroboration and for opposing testimony. As a result, such a statement must be documented in all cases, particularly

when the person comes to the police station to file a FIR for a specific offence. However, a straightforward interpretation of S. 154 doesn't really impose any obligation on the policeman to file a FIR. The rule simply states that if the officer-in-charge refuses, the informant can report the matter to the Superintendent of Police, who will then take immediate measures. In most instances, the report would not be taken into account by the authorities, and no activity would be done against the criminal.

As a result, it is strongly suggested that, in the event of a Police Officer's reluctance to file a FIR, strict measures be taken against him by higher-ups in the Police Department, including administrative inquiries and other measures, for gross negligence on his behalf. It is also recommended that the clause (S. 154 Cr.P.C.) be rigidly applied, with "shall" being understood as "must" for all purposes, requiring police officers to take down an informant's report. Senior police officers must also make regular visits to police stations to ensure that the officers-in-charge and other men in that police station are not abusing their authority. If someone in the community has a complaint about how the police officers are functioning, they must be granted a thorough review and reasonable action taken against them.

Every police officer has the responsibility of preventing crime and maintaining law and order in the community, as well as providing safety to the citizens. Police officers should immediately take action against the crime reported, disregarding all of the minor difficulties with FIRs such as the informant's identity, signature, and so on.

To summarize, a FIR is a crucial report that, if reported correctly, can give significant evidence in a case. To the degree practicable, this information must be filed with the police as soon as one learns of a crime being committed. Individuals can assist the police in this way. Who would otherwise get to know about the criminal offense while waiting at the police station in order to avoid crimes and preserve order in society?

The FIR is the initial stage in the criminal procedure system that leads to a criminal's imprisoning. It is also the most essential piece of supporting evidence upon which the prosecution's whole case is formed. FIR is the Bible of the case filed on the basis of a public report, as correctly stated in the case of *Mohan Lal v. State of Uttar Pradesh*⁶¹.

⁶¹ 1988 (3) Crimes 122 SC, JT 1988 (3) SC 332, 1988 (2) SCALE 278, (1989) 2 SCC 600, 1988 (2) UJ 601 SC.