



Zero FIR

For Prelims: [FIR](#) provisions, [Zero FIR](#), [Cognizable offence](#), [POCSO Act](#).

For Mains: FIR - Provisions, Supreme Court's view

[Source: IE](#)

Why in News?

In recent incidents of violence and crime in Manipur, the concept of [Zero First Information Report \(FIR\)](#) has come to the forefront.

What is Zero FIR?

▪ About:

- Zero FIR is an [FIR](#) that **can be registered by any police station, irrespective of jurisdiction**, when it receives a complaint regarding a [cognisable offence](#).
- No regular FIR number is assigned at this stage.
- After receiving the Zero FIR, the relevant police station registers **a fresh FIR and starts the investigation**.
- It is meant to help victims of serious crimes, **especially women and children, to lodge a complaint quickly and conveniently**, without having to go from one police station to another.
- It is also meant to **ensure that the evidence and witnesses are not lost or tampered with due to delays** in filing the complaint.
- It is **transferred to the relevant police station** where the offence has taken place or where the investigation has to be conducted.

▪ Legal Basis of a Zero FIR:

- Zero FIR was introduced after the recommendation of the [Justice Verma Committee](#), which was set up after the **2012 Nirbhaya gangrape case**.
- The provision of a Zero FIR is also supported by various judgments of the [Supreme Court and High Courts](#).
 - For instance, in ***Lalita Kumari vs Govt. of UP (2014)***, the Supreme Court held that **registration of an FIR is mandatory when information discloses the commission of a cognizable offence**.
 - In ***Satvinder Kaur vs State (1999)***, the Delhi High Court held that a **woman has the right to lodge her complaint from any place other than where the incident occurred**.

What is First Information Report (FIR)?

▪ About:

- Written document prepared by the police upon receiving information about a **cognizable offence**.

- **First step towards the investigation process.**
- Sets in motion the probe and further actions by the police.
- **Registration of FIR in Cognizable Offences:**
 - **Section 154(1), CrPC** allows police to register an FIR for cognizable offences.
- **Failure to Register an FIR:**
 - Section 166A inserted into IPC based on Justice JS Verma committee's recommendation.
 - Provides punishment for public servants failing to record information related to a cognizable offence.
 - Punishment includes imprisonment of up to two years and a fine.

Cognisable and Non-Cognisable Offences

- **Cognisable Offences:**
 - In cognisable offences, an officer can take cognizance of and **arrest a suspect without seeking a court's warrant** to do so, if she has "**reason to believe**" that the person has **committed the offence** and is satisfied that the arrest is necessary on certain enumerated bases.
 - Within **24 hours** of the arrest, the officer must have **detention ratified by a judicial magistrate.**
 - According to **177th Law Commission Report**, cognisable offences are those that require an immediate arrest.
 - Cognizable offences are generally **heinous or serious in nature** such as murder, rape, kidnapping, theft, dowry death etc.
 - The **FIR is registered only in cognizable crimes.**
- **Non-Cognisable Offences:**
 - In case of a non-cognizable offence, the police cannot arrest the accused **without a warrant** as well as cannot start an investigation **without the permission of the court.**
 - The crimes of forgery, cheating, defamation, public nuisance, etc., fall in the category of non-cognizable crimes.

UPSC Civil Services Examination Previous Year Question (PYQ)

Prelims

Q. With reference to India, consider the following statements: (2021)

1. Judicial custody means an accused is in the custody of the concerned magistrate and such an accused is locked up in a police station, not in jail.
2. During judicial custody, the police officer in charge of the case is not allowed to interrogate the suspect without the approval of the court.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (b)

- In Judicial custody, an accused is in the custody of the concerned Magistrate and lodged in jail. While in the case of police custody, an accused is locked up in a police station. **Hence, statement 1 is not correct.**
- During judicial custody, the police officer in charge of the case may interrogate the suspect but

with prior permission from the magistrate. In the case of police custody, the police officer can interrogate the suspect but must produce him before the court within 24 hours. **Hence, statement 2 is correct.**

- **Therefore, option (b) is the correct answer.**

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