



# FIR and General Diary

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## Why in News?

The [Supreme Court\(SC\) of India](#) in the case *Shailesh Kumar v. State of UP (now State of Uttarakhand) 2024* has clarified the legal position regarding the registration of [First Information Reports \(FIRs\)](#) and **General Diary** entries by the police.

- The apex court has held that information disclosing the commission of a [cognisable offence](#) **needs to be recorded as an FIR** in the designated FIR book, **rather than being documented in the General Diary** maintained by the Police under the Police Act, 1861.
- The court emphasised that a **General Diary entry cannot precede the registration of an FIR** unless a preliminary inquiry is deemed necessary.

## What is an FIR?

- A first information report (FIR) is a written document **prepared by the police when they receive information about the commission of a cognisable offence.**
  - A cognisable offence is one in which the police can arrest a person without a warrant.
  - The term FIR is **not defined** in the Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), 1973, or in any other law, but in police regulations or rules, information recorded under **Section 154 of CrPC** is known as First Information Report (FIR).
  - that FIR registration is mandatory for cognizable offences under Section 154 of the CrPC. Additionally, it emphasised
- **Exceptions to the Rule of Registering an FIR:** The **SC ruling in Lalita Kumari v. Government of Uttar Pradesh & Others, (2014)** held that FIR registration is mandatory for cognizable offences under Section 154 of the CrPC. Additionally, it emphasised that in certain cases, a preliminary inquiry may be necessary before registering an FIR. These cases are:
  - Matrimonial/family disputes
  - Commercial offences
  - Medical negligence cases
  - Corruption cases
  - Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months delay in reporting the matter without satisfactorily explaining the reasons for delay.
  - The preliminary inquiry must be completed within 7 days.
- The Supreme Court has also held that if the information given to the police does not disclose the commission of a cognisable offence, then the police are **not bound to register an FIR.**
  - In such cases, the police may enter the information in the **General Diary** and inform the informant accordingly.

## What is a General Diary?

- A General Diary is a **record of all the activities and incidents that take place in a police station** on a daily basis.
  - **Section 44 of the Police Act, 1861** empowers the State Government to prescribe the

form of the General Diary and the manner in which it shall be maintained.

- The General Diary contains various details such as the:
  - Arrival and departure of police officers
  - Arrest of persons
  - Seizure of property
  - Receipt and disposal of complaints
  - Any other information that the officer in charge of the police station may consider necessary to record.
- **Supreme Court Rulings: In CBI v. Tapan Kumar Singh (2003)**, the Supreme Court ruled that a General Diary Entry may be treated as FIR in an appropriate case, where it discloses the commission of a cognisable offence.

## Note

Case Diary is maintained by the investigating officer for a specific case, while the General Diary records all legal events within a police station's jurisdiction.

Aspect	General Diary Entry	FIR
<b>Purpose</b>	Record complaints and incidents for administrative purposes or future reference	Register a cognisable offence for investigation
<b>Nature of Offense</b>	Both cognisable and non-cognisable	Only for cognizable offences
<b>Documentation</b>	Internal police record	For public record
<b>Distribution</b>	Copies are not provided to the complainant or Judicial Magistrate; sent to superior officers	Copies provided to the complainant, superior officers and Judicial Magistrate
<b>Judicial Oversight</b>	Magistrate may inspect General Diary upon request	Magistrate receives copies of FIR for oversight
<b>Complainant's Signature Required</b>	Not required	Required

## 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)**

PDF Refernece URL: <https://www.drishtias.com/printpdf/fir-and-general-diary>

