



The Legal Framework of FIR in India: A Critical Analysis

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ABSTRACT

The First Information Report (FIR) occupies a foundational position in the Indian criminal justice system, as it marks the formal commencement of police investigation in cognizable offences. This paper critically examines the legal framework governing FIRs in India with particular emphasis on the transformative changes introduced under the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. It explores the meaning, purpose, importance, essential elements, and various types of FIRs, including Zero FIR, E-FIR, Cross FIR, and False FIR, highlighting their practical and legal implications. The study undertakes a detailed analysis of statutory provisions such as Sections 2(g), 173, 175, and 223 of the BNSS, along with Schedule I, to explain the procedural aspects of FIR registration, jurisdictional reforms, and remedies available in cases of police inaction. Judicial pronouncements, particularly landmark Supreme Court decisions like *Lalita Kumari v. State of U.P.*, *Bhajan Lal*, and *Ramesh Kumari*, are examined to clarify whether FIR registration is mandatory or discretionary. The paper also discusses delay in filing FIRs, evidentiary value, and misuse through false or multiple FIRs. Finally, it offers reform-oriented suggestions aimed at enhancing police accountability, citizen awareness, victim-centric approaches, and procedural uniformity. The study concludes that while BNSS, 2023 has significantly strengthened access to justice and transparency in FIR



registration, effective implementation and institutional accountability remain crucial for realizing its full objectives.

1.0 INTRODUCTION

Crimes in India are broadly classified into two categories: cognizable and non-cognizable, depending on their nature. Cognizable offenses refer to crimes that are of a more serious nature, while non-cognizable offenses indicate crimes of a less serious nature. In India, whenever a criminal incident occurs, it is reported to the competent authority, and that authority is responsible for recording the information. If the crime is related to a cognizable offense, the information recorded by the officer is called an FIR, and it is considered a crucial document in the criminal justice system, as it is the basis on which the police initiate an investigation. To determine the veracity of the FIR, the police collect evidence, protect the rights of the aggrieved parties, and attempt to find the perpetrators. From the above, it is clear that the FIR serves as the starting point in the criminal justice system, attempting to uncover the truth through a transparent investigation following the due process prescribed by law.

1.2 PURPOSE OF AN FIR

The primary purpose of an FIR is to officially record the full details of a cognizable offense, including the crime itself, when, where, and how it occurred, who committed the crime, their name, if any, and other important facts related to the crime. An FIR ensures that the authorities have been formally notified of the crime. Upon receiving this formal notification, the officer begins an investigation. This includes collecting evidence, questioning people, and making arrests as necessary. An FIR provides justice to the victim and provides accurate information about the criminal activity.

1.3 IMPORTANCE OF AN FIR

- The primary importance of an FIR is that it expedites the criminal legal process. According to procedural law, the police can only begin investigating a case after an FIR is registered at the police station.
- Once an FIR is registered, the officer attempts to resolve the issue and protect the rights of the victim. Under this, efforts are made to ensure that the victim, witness etc. do not face any additional trouble.
- An FIR is not just a piece of paper, but an official record of the complainant's statements that can be used as evidence during a trial.



- Once an FIR is registered, the police cannot shirk their responsibility. Upon registration, the police are obligated to take legal action, such as investigating, collecting evidence, and providing protection to the victim.
- With the registration of an FIR, the criminal justice system becomes significantly more transparent because it becomes a written record, significantly reducing the likelihood of police inaction.
- An FIR also becomes a crucial document during a trial, as it helps the court establish the sequence of events and secure justice.
- An FIR forms the basis of any prosecution or trial. Following an FIR, the police investigate and search for evidence against the suspected accused, which helps frame charges and secure a conviction in court.

2.0 MEANING AND DEFINITION OF AN FIR

An FIR is an important legal document, but the term has not yet been defined in Indian criminal jurisprudence. The old law relating to FIRs, Section 154 of the CrPC, and the new law now in force, Section 173 of Chapter 13 of the BNSS, only describe the process of recording an FIR.

2.1 LITERAL MEANING OF AN FIR

FIR means First Information Report.

2.2 GENERAL MEANING OF AN FIR

In simple terms, if information about a crime is given to a police officer and they record it, it is called an FIR. Meaning, the information on the basis of which an investigation begins is called an FIR.

2.3 LEGAL DEFINITION OF AN FIR

After observing Section 173 of the BNSS, the legal definition of FIR can be given as follows, FIR is a written document by the police when they receive information about the commission of cognizable offence. It is a report of information that reaches the police first in point of time and that is why it is called by the FIR.

2.4 ESSENTIAL ELEMENT OF AN FIR

- It is information about cognizable offence.



- It is given to the officer in charge of the police station.
- This information may be given in oral, written or electronic form.
- It should be signed by an informant.
- Kept in the general diary.
- A copy of the FIR is given free of the cost to the informant.

3.0 TYPES OF FIR.

Different types of FIR can be found based on the method of filing an FIR and the reason behind it. The number of FIR types has increased since the implementation of the BNSS. Some of the types of FIR are as follows:

3.1 GENERAL FIR: This is the oldest method of filing an FIR, hence it is also called the traditional or general FIR. Under this method, the informant reports a crime to a police station with competent jurisdiction and the FIR is registered there.

3.2 ZERO FIR: The implementation of the BNSS has seen several historic reforms, and one of the most significant is the Zero FIR.

Previously, the police would refuse to register an FIR citing jurisdictional issues, causing significant inconvenience to the complainant and delaying the registration of the FIR, which in turn delayed the investigation. This gave the accused ample time to destroy evidence.

With the introduction of Zero FIRs, the issue of local jurisdiction of police stations has been eliminated. Now, regardless of where a crime occurs in India, complainants can file a complaint at any police station of their convenience. It is now the responsibility of the police to forward the relevant Zero FIR to the police station having jurisdiction.

3.3 E-FIR

The traditional process of registering an FIR in India is slow, inconvenient, and complex. E-FIR has been introduced to help India achieve the Digital India vision and minimize hassles for complainants.

If a complaint regarding a cognizable offense is received electronically, whether through email, telephone, WhatsApp message, etc., the police will keep it on record but will not register it as an FIR until the informant signs it within three days.



3.4 CROSS FIR

Parties involved in a particular crime file FIRs against each other in connection with that crime; this is called a cross FIR. Suppose there was a dispute between A and B. A first filed an FIR accusing B. Subsequently, B also filed an FIR accusing A in the dispute. This is called a cross or counter FIR.

A cross FIR can be filed out of personal enmity, to confuse the court, to facilitate a future settlement, or even with malicious intent to induce the complainant to withdraw the initial FIR.

In case of *Upkar Singh v. Ved Prakash*

Affirmed the validity of Cross FIRs, ensuring that counter-allegations are investigated fairly.

In case of *Surender Kaushik v. State of Uttar Pradesh*

Clarified that both FIRs in a Cross FIR situation should be investigated independently to uncover the truth.

3.5 ANTE TIMED/FALSE FIR

It is a fact in our country that filing a false FIR is much easier than filing a genuine FIR. A false FIR means deliberately accusing a person of a crime by providing false information with the intention of defaming, harassing, or otherwise harassing them, with malicious intent. To prevent such a situation, BNSS,2023, includes several provisions to punish those filing such false FIRs and to protect innocent individuals.

3.5.1 SUMMARY TABLE- REMEDIES FOR FALSE FIR

REMEDY	LAW/SECTION	WHEN TO USE
Notice of Appearance	Sec. 35 BNSS	For offences punishable < 7 years, before arrest
Anticipatory Bail	Sec. 482 BNSS	When arrest is likely
Quashing FIR	Sec. 527 BNSS	If FIR is clearly false or malicious
Counter-Complaint / Defamation	Sec. 217, 248 BNS. ; Civil	If you can prove false complaint with malice
Compensation for False	Sec. 272 BNSS	When acquitted and



Case		complaint is proven false
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3.6 MULTIPAL FIR

The practice of filing multiple FIRs has increased significantly these days. Multiple FIRs involve filing multiple FIRs against the same individual for the same incident. Most such FIRs are for religious, political, caste-based criticism, etc. The Honorable Supreme Court has issued guidelines several times to curb this, but it has not yet been completely eradicated.

In case of *T.T. Antony v. State of Kerala*

The Supreme Court ruled that there cannot be multiple FIRs for the same incident unless they represent distinct versions by opposing parties.

4.0 STATUTORY PROVISIONS RELATED TO FIR

The BNSS contains several sections related to FIRs. To understand FIRs, it is important to understand these sections carefully.

4.1 SECTION 2(g) OF BNSS

Section 2(g) of the BNSS defines a cognizable offense. The importance of a cognizable offense is heightened because an FIR can only be registered for a cognizable offense. Cognizable offenses are very serious crimes, such as rape, robbery, murder, etc. Due to their serious nature, the police have been given additional powers to prevent such crimes, such as the ability to arrest the accused without a warrant or a magistrate's order, and to conduct an investigation without any other order. In terms of punishment, cognizable offenses are those crimes for which a sentence of more than 3 years has been provided, which can extend to life imprisonment or even the death penalty.

4.2 SCHEDULE I OF BNSS

While Schedule 1 of the BNSS clearly defines a cognizable offense, BNSS Schedule 1 can be helpful for those who have difficulty understanding cognizable offenses from the definition. To identify cognizable offenses, Schedule 1 of the BNSS clearly lists which specific offenses are cognizable and which are non-cognizable.



4.3 SECTION 173 OF BNSS

Section 173 of the BNSS, relating to FIRs, is one of the most important sections. This section outlines the entire process for registering an FIR. This new section of the BNSS eliminates the local jurisdiction of police stations regarding FIR registration, thereby resolving a long-standing problem, making FIRs easier to file. An attempt has also been made to modernize Section 173 of the BNSS as now individuals can also register E-FIR.

4.5 SECTION 175 OF BNSS

This section provides the public with the right that if the police, whose primary duty is to register an FIR in a cognizable case, do not register an FIR for any reason, the aggrieved party can directly approach the judiciary and file a complaint, and the magistrate can direct the police to register an FIR.

5.0 WHO CAN FILE AN FIR?

Whenever a crime occurs, the first step is to contact the police so that the FIR registration process can begin. Section 175 has a broad scope regarding filing an FIR. In India, any person with information regarding a crime can file an FIR. The following individuals are covered under this category:-

5.1 VICTIM OF THE OFFENCE

The victim of the crime has the primary right to file an FIR. This includes those who fall under the definition of victim and have suffered direct or indirect harm as a result of the crime.

5.2 WITNESS OF THE OFFENCE

If a person witnesses a crime being committed and gives a statement to the police, and based on that statement, the police register an FIR, that particular person will be both the informant and a witness in the case. In India, a witness also has the right to file an FIR.

5.3 A PERSON WHO HAS KNOWLEDGE OF THE COMMISSION OF A CRIME

Beyond the victim and witness, anyone else who has knowledge of a cognizable offense can also file an FIR, even if they were not directly or indirectly harmed by the offense or did not witness the offense.



5.4 LEGAL REPRESENTATIVE/GUARDIAN OF VICTIM

In certain circumstances, a legal representative also has the right to file an FIR on behalf of the victim. Where the victim is unable to file an FIR due to being a minor, mentally ill, or otherwise, the victim's legal representative also has the right to register an FIR on the victim's behalf.

5.5 SUO MOTO

If the police receive information that a cognizable offense has occurred within their local jurisdiction but no one is registering an FIR, the police may initiate an investigation to file an FIR on their own .

5.6 ACCUSED

FIR (First Information Report) may be lodged by an accused person himself. FIR may be lodged by an accused person for two reasons: First, accused who has committed horrendous murder would himself come to the Police Station and confess the crime.

Second, the accused may file a false FIR about the offence for protecting his skin. A police officer must draw an FIR whenever it is brought to his notice that a cognizable offence has been committed. The information that can be used to draw the FIR can be provided by the accused. Upon receiving information about the cognizable offence, Officer-in-Charge of the Police Station is not allowed to refuse the registration of the case.

6.0 PROCEDURAL ASPECTS OF FIR REGISTRATION

After understanding the meaning of FIR and the legal provisions provided in the BNSS, it's crucial to understand the procedural aspects of FIRs. The procedural aspects of FIRs include when, where, and how an FIR is registered. Is registering an FIR a mandatory duty for the police or a discretionary right? What options does a victim have if the police refuse to register an FIR? We'll explore these aspects under the heading "Procedural Aspects of FIRs."

6.1 WHEN TO FILE AN FIR

The police will register an FIR only when information relates to a cognizable offense. For example, if a crime has occurred and you go to the police to report it, whether it's a less serious or serious offense, such as murder, rape, robbery, etc., it's considered a cognizable offense. Cognizable offenses are very urgent offenses that require immediate action without delay, as the perpetrator could flee, tamper with evidence, and so on. Therefore, in such cases, the police have the power to investigate and arrest without a warrant



without the permission of a magistrate. Therefore, whenever information about a serious crime, i.e., a cognizable offense, is received, it is recorded under Section 173 of the BNSS, which is called an FIR. If the crime reported is of a less serious nature, such as hurt, theft, etc., it is considered a non-cognizable offense. In such cases, an FIR is not registered; instead, it will be recorded in the Non-Cognizable Register under Section 174 of the BNSS.

6.2 WHERE TO FILE AN FIR

6.2.1 POLICE STATION

The informant should first register an FIR at the police station within whose local jurisdiction the cognizable offense occurred. Doing so will ensure that the police immediately begin their investigation, preventing the accused from tampering with evidence.

If, for some reason, the informant cannot go to the police station within whose local jurisdiction the cognizable offense occurred, they can register an FIR at any police station in India. After registering such an FIR, the police will then transfer the FIR to the relevant police station within whose local jurisdiction the offense occurred.

6.2.2 ONLINE FIR

If the informant does not wish to immediately go to the police station to file an FIR, or if they do not have the time or the option to do so immediately, they have the option of registering a complaint online. If the informant submits information online, their information will not be immediately treated as an FIR. The police will first record the information, and the informant will be required to sign it within three days. Once signed, the information will be converted into an FIR.

6.3 HOW TO FILE AN FIR

Suppose a crime has occurred and you wish to report it, you have two options. You can either approach a police officer or a magistrate.

6.3.1 FIRST OPTION: POLICE

A complainant has several options for reporting information to the police. A complainant can register an FIR by visiting the police station under whose local jurisdiction the crime occurred, or by visiting any police station in India, as per their convenience and choice. The complainant can also register an FIR online.



Any information relating to a cognizable crime that a person provides to the officer in charge of the police station can be oral, written, or telephonic. If oral or telephonic, the information will be recorded in the general diary. The information will then be read out and the informant's signature will be obtained. A copy of the information will then be given to the informant free of cost. The informant must be a woman.

If the informant is a woman and is reporting a specific crime, the information will be recorded only by a female police officer.

The informant must be disabled.

If the informant is mentally or physically disabled, the information must be recorded at her home or at a location of her convenience. The presence of an interpreter or special educator is mandatory during the recording process.

If an FIR is being filed under the above conditions, it is mandatory to have it videographed, and the police are obligated to record the woman's statement before a judicial magistrate.

6.3.2 CONSEQUENCES OF NON-REGISTRATION OF FIR BY POLICE

The primary duty of the police is to record an FIR. However, if police officers are unable to perform this duty, the complainant can get an FIR registered by approaching the High Court or the Supreme Court through the Superintendent of Police, Judicial Magistrate, or the Writ Petitioner.

6.3.2.1 APPROACH TO SP

If a police officer refuses to register an FIR for a cognizable offense, a complainant can file a complaint with the Superintendent of Police (SP) under Section 173(4) of BNSS. The complainant can approach the Superintendent of Police (SP) by writing down the substance of the information and sending it by post. If the Superintendent of Police (SP) is satisfied that the information relates to a cognizable offense, he or any of his subordinate officers may entrust the investigation.

6.3.2.2 APPROACH TO JUDICIAL MAGISTRATE

If an FIR is not registered even after approaching the Superintendent of Police (SP), Section 175(3) of the BNSS provides another option for the complainant. Using this option, the complainant can file a complaint directly with the Magistrate. If the Magistrate is satisfied with the complaint that a cognizable offense has been committed, he or she will direct the police to register an FIR and initiate an investigation.



6.3.2.3 APPROACH TO HC/SC

If an FIR is not registered even after exhausting all the BNSS options, the person's last resort is the constitutional right. Under this right, the person can directly approach the HC or SC through a writ petition. The Supreme Court has also issued guidelines related to FIRs from time to time in numerous cases. File a criminal case against the police.

6.3.2.4 CRIMINAL CASE AGAINST GUILTY POLICE OFFICER

The Supreme Court has enacted a law that if a complaint relates to a cognizable offense, the police must file an FIR. The police have no other option but to file an FIR. If the police still do not register an FIR, the court can initiate suo motu cognizance against them, or the victim can initiate proceedings to file a case of contempt of court.

A victim can also file a criminal case against the guilty police officer.

Sections 255 and 256 of BNS,2023: If a public servant intentionally violates legal instructions to shield someone from legal punishment or to reduce the severity of the punishment, they may be penalized.

6.3.3 SECOND OPTION: JUDICIAL MAGISTRATE

If an offence has been committed, a person may initiate the case by filing a complaint directly before the Magistrate instead of informing the police; in common parlance, this is known as a “complaint case.”

Section 223 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, deals with the mandatory examination of the complainant and witnesses by the Magistrate while taking cognizance of an offence on a complaint. However, an important condition has been added under which the Magistrate must, before proceeding further, issue notice to the accused and provide an opportunity of hearing (hearing before cognizance). This marks a significant departure from the earlier CrPC (Code of Criminal Procedure), in which such a hearing of the accused at the initial stage was not mandatory. The objective of this change is to prevent false cases, but it has also sparked debate regarding procedural delay and constitutional rights.

7.0 DIFFERENCE BETWEEN SECTIONS 175(3) AND 223 OF BNSS

BASIS	Section 175(3) BNSS (Investigatory Power)	Section 223 BNSS (Cognizance Stage Safeguard)
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PURPOSE	Allows a Magistrate to direct a police investigation (similar to old CrPC 156(3)) if a complainant approaches them after the police (or SP under 173(4)) refuse to register an FIR.	A new provision requiring the Magistrate to give the accused an opportunity to be heard before taking formal cognizance (official notice) of a private complaint.
PROCESS	Magistrate must consider the complaint/affidavit, conduct an inquiry, and hear the police's submission before ordering investigation.	A mandatory "pre-cognizance" hearing where the accused can present their side.
KEY	A tool for citizens to get an investigation started when police fail to act.	A procedural safeguard to prevent frivolous complaints and protect the accused from unnecessary harassment at the initial stage.

7.1 KEY SUMMARY

	KEY DIFFERENCES SUMMARIZED
FOCUS	S.175(3) is about ordering an investigation by police; 223 is about the procedure for private complaints, emphasizing the accused's right to be heard before cognizance.
STAGE	Both operate pre-cognizance, but 175(3) is a tool for action (investigation), while 223 is about the process (hearing the accused).
IMPACT	Section 223's proviso significantly changes the game by adding a mandatory pre-cognizance hearing, a substantial procedural safeguard absent in prior laws, preventing the misuse of the complaint system.



8.0 CONTENT OF FIR

When registering an FIR, special care must be taken to ensure that the information provided is completely truthful, clear, and detailed. There should be no ambiguity in the language. The FIR should include the informant's name and address, the date and time of the incident, the method and location of the incident, as well as the accused's name and identity, if known to the informant. If there are any eyewitnesses, information about them should also be provided. If any property was damaged as a result of the incident, complete details should be provided, along with its approximate value.

9.0 FIR MANDATORY VS. DISCRETIONARY FIR

The most important question in the FIR registration process is whether it is the police's discretion to register an FIR or a mandatory duty to do so if the crime reported relates to a cognizable offense. Police behavior regarding the registration of FIRs has been quite concerning. We will attempt to understand whether registering an FIR is mandatory for the police through Section 173 of the BNSS and the guidelines issued by the Supreme Court.

9.1 STATUTORY PROVISION

Section 173 of the BNSS uses the word "shall." This means that the legislation does not grant the police any discretion regarding FIR registration but rather obliges them to register it.

9.2 JUDICIAL GUIDELINES

9.2.1 STATE OF HARYANA V. BHAJAN LAL

A police officer is duty-bound to lodge an FIR if they receive information related to a cognizable offense.

The SC further observed that Section 154 does not use the words "reasonable" or "credible." This means that if a police officer receives information about a cognizable offense, the police are duty-bound to register an FIR. The SC further stated that the truthfulness of the information received by the police—whether it is false or true—will be examined at the later stage. Therefore, at the initial stage, as soon as the police receives information related to a cognizable offense, they are bound to register an FIR without examining whether the information is reasonable or credible.



9.2.2 *RAMESH KUMARI V. NCT DELHI*

If a police officer has information and is not satisfied that the information received relates to a cognizable offense, the police may conduct a preliminary investigation first. However, if the police officer is satisfied that the information received relates to a cognizable offense, it is compulsory for the police officer to file an FIR.

9.2.3 *LALITA KUMARI V. STATE OF UP*

The main facts of this case were that a minor girl was kidnapped. The girl's father, an informant, went to the police to file an FIR, but the police refused. Then he approached the Superintendent of Police, who filed an FIR on the SP's instructions, but the police refused to initiate an investigation, demanding money. Finally, fed up, the girl's father filed a writ of Habeas Corpus in the Supreme Court. A two-judge bench issued notices to several departments, stating that in all cases where an FIR is not registered or a copy of the FIR is not provided to the informant, a complaint can be filed with the magistrate. The magistrate will direct the police to register an FIR. If the FIR is still not filed without a valid reason, contempt of court proceedings should be initiated against the police.

Some important guidelines of the Supreme Court in this case:

- Filing an FIR is compulsory in all cases if the information is related to a cognizable offense.
- If the police do not register an FIR for a cognizable offense, it encourages a situation of lawlessness.
- If the police have received information about a cognizable offense, whether it is genuine or not is a post-FIR situation.
- Police received a complaint of a crime but from that information it is not known whether this information is related to a cognizable offence or a non-cognizable offence, then in such a situation the police can conduct a preliminary investigation and this investigation will be done only to find out whether this information is related to a cognizable offence or a non-cognizable offence.
- The time given for preliminary investigation will initially be 7 days and can be extended up to 15 days.
- If the police receives information related to matrimonial disputes, family disputes, commercial disputes, corruption cases, or medical negligence cases, they will not immediately lodge an FIR,



even though such cases fall under the category of cognizable offenses. In such cases, the police will first conduct a preliminary investigation and only then lodge an FIR.

- It is mandatory to register an FIR in every cognizable offense, but registering an FIR does not mean that the police must arrest the accused in every case.

10.0 DELAY IN FILING FIR AND JUDICIAL VIEW

An FIR should be filed as soon as possible after the crime is committed. This allows the police to thoroughly investigate all the facts of the crime and gather evidence against the perpetrators. If there is a slight delay in registering an FIR, it does not make much difference, but if there is a huge delay and the reason for such a long delay is not explained properly, then it can create doubt because if there is an undue delay, then a doubt can be created that a fabricated story has been created by the prosecution.

10.1 RAGHVEER SINGH V. STATE OF HARAYAN

In this case, a man was attacked and seriously injured. Therefore, he did not file an FIR first, but instead went to the hospital for treatment and then filed the FIR, resulting in a delay in filing the FIR. The court stated that the victim had a reasonable and valid explanation for the delay.

Delayed filing of FIRs is common in crimes against women, such as rape and other sexual assaults, because the victim's family associates such crimes with their honor, and this shame and honor contribute to the delay in filing an FIR. For this reason, Indian courts have held in several cases that delays in sexual assault cases cannot be compared to those in other crimes.

10.2 HARPAL SINGH V. STATE OF HIMACHAL PRADESH

In this case, the FIR was filed 10 days after the incident. The prosecution argued that since the matter involved family honor, the family members needed some time to decide whether to take the case to court. The court accepted the prosecution's argument and considered the delay of 10 days justified.

11.0 EVIDENTIARY VALUE OF FIR

The evidentiary value of an FIR means what is its use? What is its value? The substantive value of an FIR can be understood under sections 4, 6, 26, 19, 23 Prviso, etc. of the BSA, and its procedural value can also be seen under sections 148, 160, 162, and 163 of the BSA. First, it is important to remember that an FIR is an important piece of evidence, but in the case of *Damodar Prasar Chandrika Prasad vs. State*



of Maharashtra, the court held that an FIR is not a substantive piece of evidence. This means that an accused cannot be convicted based on an FIR alone; the facts contained in the FIR must be proven.

11.1 SUBSTANTIVE VALUE

Whenever an FIR is lodged, criminal proceedings begin. When the case reaches the trial stage, both parties will prove their respective facts. The prosecution can prove that a particular fact is not relevant, but if it is transaction, and this will be relevant.

The prosecution can also attempt to prove the accused's conduct. Any statement made by the accused at the time of, before, or after the crime, which reveals his or her conduct can also be used.

If the informant dies after filing an FIR, such an FIR will be considered a dying declaration and a substantive piece of evidence because it is based on the English maxim, "nemo moriturus praesumitur mentin," which means, "A man will not meet his match with a lie in his mouth."

A person who files an FIR will be considered to have admitted the facts based on which the FIR is filed, and such admissions will be considered relevant.

11.2 IF THE ACCUSED HIMSELF FILES AN FIR

If an accused is providing information to the police, he can provide two types of information: a confessional statement and a non-confessional statement. If the accused provides confessional information to the police and the FIR is filed on that basis, it will have no evidentiary value because Section 23(1) of the BSA prohibits this.

If the accused provides non-confessional information to the police and an FIR is registered on his/her own initiative, it will be covered under Section 17 and have evidentiary value. Such a statement also helps establish intention, preparation, motive, etc.

11.3 PROCEDURAL VALUE

After the informant files an FIR, the police investigates and submits its report to the court, after which the trial begins. During the trial, the informant appears as a prosecution witness and records his/her testimony. It is important to note that when the informant was filing the FIR, he/she did not take any oath, but when he/she gives his/her statement in court as a prosecution witness, it will be on oath.



- Use of FIR for contradiction: If the informant gave one statement in the FIR and then gave a different statement when examined before the court, then that statement can be extracted and contradicted.
- Use of FIR for corroboration means that if the informant is giving the same statement in the court as he gave in the FIR, then his statements become the same, so his earlier statement can be used to show that he is speaking the truth.
- The important point here is that an FIR can only be used to contradict or corroborate the FIR itself, not against a third party.
- An FIR can also be used to refresh one's memory.

12.0 REFORMS AND SUGGESTIONS FOR IMPROVEMENT

Through the BNSS, 2023, the legislature has made many positive changes related to FIRs. However, much work still needs to be done regarding FIRs. Such as:

12.1 ENHANCING POLICE ACCOUNTABILITY

To establish the rule of law, it is crucial to enhance police accountability in filing FIRs so that individual rights can be protected. The FIR filing process should be simple, accessible, transparent, and citizen-centric. Internal and external monitoring bodies should be established to improve police accountability. Police accountability can also be enhanced by implementing the Honorable Supreme Court's decision in the Prakash Singh v. Union of India case. There is a practice in the police department that if a police station registers a large number of FIRs, the station in-charge is considered incompetent and is either transferred or made to sit in the police lines awaiting posting, and sometimes even suspended, leading to the station in-charge refusing to register FIRs. This unwritten practice should be stopped immediately, which will facilitate the registration of FIRs and increase their number.

12.2 AWARENESS PROGRAMS FOR CITIZENS ON FIR RIGHTS

Citizens should be informed about their legal rights related to filing FIRs. Furthermore, if the police refuse to register an FIR, they should be made aware of the remedies available to them. To achieve this, legal education should be provided to citizens through awareness campaigns, community events, and seminars so that they can understand and understand their rights.



12.3 STRICT ACTION AGAINST FALSE FIR TO PREVENT MISUSE

One of the biggest problems in India, and the truth, is that it is much easier to file a false FIR than it is to file a valid one. Therefore, the strictest possible action should be taken against the person who registered the false FIR and the guilty officer to prevent its misuse.

12.4 POLICE TRAINING AND CAPACITY BUILDING

Continuous training is needed for police regarding the process of filing an FIR, citizens' rights, the use of modern technology, and so on. Training on how to behave with women, children, the elderly, and other individuals is also crucial, and constant monitoring of police conduct is crucial.

The government should also ensure changes in the daily lives of police officers, such as fixed duty hours, prioritizing their choice in transfer postings, ensuring proper education for children and adequate security for their families, so that they can perform their duties with peace of mind.

12.5 VICTIM CENTRIC REFORMS

The legislature needs to work on victim-centric reforms, such as providing mental and legal assistance to victims and encouraging them to file FIRs. Victims, witnesses, and their relatives need to be provided with proper protection and assistance.

12.6 STANDARDIZATION AND UNIFORMITY

There is currently no uniform format for FIRs. If a uniform format related to FIR is developed then it will be especially helpful for those who do not know the legal language.

13.0 CONCLUSION

The First Information Report (FIR) occupies a foundational position in the Indian criminal justice system, serving as the formal trigger for police investigation and the administration of criminal law. As this study demonstrates, the FIR is not merely a procedural formality but a vital instrument for ensuring transparency, accountability, and access to justice. From its purpose and importance to its evidentiary and procedural value, the FIR functions as the bedrock upon which the entire criminal process rests.

The enactment of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 marks a significant evolution in the legal framework governing FIRs. Progressive reforms such as Zero FIR, E-FIR, removal of jurisdictional barriers, and enhanced remedies against police inaction have strengthened citizens' rights



and aligned criminal procedure with contemporary realities and technological advancement. Judicial pronouncements, particularly in *Lalita Kumari v. State of Uttar Pradesh* and *Bhajan Lal*, have further clarified that registration of an FIR in cognizable offences is a *mandatory duty* of the police, not a matter of discretion, thereby reinforcing the rule of law.

At the same time, the study highlights persistent challenges such as refusal or delay in FIR registration, misuse through false or multiple FIRs, and lack of uniformity and awareness. While BNSS, 2023 introduces safeguards like pre-cognizance hearing under Section 223 to prevent frivolous complaints, it also raises concerns about procedural delays that must be carefully balanced against victims' rights. The effectiveness of FIR reforms ultimately depends not only on statutory provisions but also on their faithful implementation by police authorities.

In conclusion, strengthening the FIR mechanism requires a holistic approach—enhancing police accountability, increasing public legal awareness, ensuring strict action against misuse, investing in police training, and adopting victim-centric reforms. If implemented in letter and spirit, the reformed FIR framework under BNSS, 2023 has the potential to make the criminal justice system more accessible, fair, and responsive, thereby reinforcing public confidence in the administration of justice in India.

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