



गृह मंत्रालय
MINISTRY OF
HOME AFFAIRS



SOP REGARDING REGISTRATION OF FIR
&
PRELIMINARY ENQUIRY

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DISCLAIMER:

This SOP is a suggested guideline which is being shared for Law Enforcement Agencies (LEAs). This SOP has been prepared after consultations with field practitioners and legal experts. The LEAs are advised to build upon this basic structure according to their peculiar needs and provisions of special and local laws with legal vetting wherever required. This is not a legal document.

SOP REGARDING REGISTRATION OF FIR

&

PRELIMINARY ENQUIRY

Scope

This SOP is for the use of police officials involved in the registration and management of FIRs, including officers in charge of police station [Station House Officers (SHOs)], investigating officers, and supervisory authorities thereof.

Objectives

- To streamline the process of FIR registration and make it accessible to all citizens.
- To ensure timely and efficient handling of complaints.
- To maintain a transparent and accountable system for FIR registration and management.

For ready reference, FIR related section, i.e., Section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is reproduced here under: -

Information in cognizable cases.

173. (1) Every information relating to the commission of a cognizable offence, irrespective of the area where the offence is committed, may be given orally or by electronic communication to an officer in charge of a police station, and if given—

(i) orally, it shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it;

(ii) by electronic communication, it shall be taken on record by him on being signed within three days by the person giving it,

and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may by rules prescribe in this behalf:

Provided that if the information is given by the woman against whom an offence under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer:

Provided further that—

(a) in the event that the person against whom an offence under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;

(b) the recording of such information shall be videographed;

(c) the police officer shall get the statement of the person recorded by a Magistrate under clause (a) of sub-section (6) of section 183 as soon as possible.

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

*(3) Without prejudice to the provisions contained in section 175, on receipt of information relating to the commission of any cognizable offence, which is made **punishable for three years or more but less than seven years**, the officer in charge of the police station may with the prior permission from an officer not below the rank of Deputy Superintendent of Police, considering the nature and gravity of the offence, —*

*(i) proceed to conduct **preliminary enquiry** to ascertain whether there exists a **prima facie** case for proceeding in the matter within a period of fourteen days:
or*

*(ii) proceed with investigation when there exists a **prima facie** case.*

(4) Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section (1), may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Sanhita, and such officer shall have all the powers of an officer in charge of the police station in relation

to that offence failing which such aggrieved person may make an application to the Magistrate.

The flow of steps of registration of FIR are illustrated as below which may vary depending upon the actual circumstances of the case: -

1. An informant can approach any police station (PS) **irrespective of the area where the offence is committed.**
2. If the place of occurrence (PO) falls under the local jurisdiction of the same police station and the informant is physically present before him, gives the information orally, the SHO will take further action as per Section 173(1)(i) BNSS.

Step 1. Orally given information should be reduced to writing and be read over to the informant.

Step 2. Every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the informant.

Step 3. The substance of such information will be entered in a book in such form as the State Government may by rules prescribe in this behalf.

Provided that if the information is given by a woman who is a victim of an offence under Section 64 – 71, 74 – 79 or Section 124 of BNS, then such information shall be recorded by a woman police officer or any woman officer:

Provided further that: -

(a) If the victim of an offence under Section 64 – 71, 74 – 79 or Section 124 of BNS is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;

(b) the recording of such information shall be video graphed.

(c) the police officer shall get the statement of the person recorded by a Magistrate u/s 183 (6)(a) BNSS as soon as possible.

Step 4. A copy of the information as recorded (FIR) shall be given forthwith, free of cost, to the informant or the victim.

3. Information given by electronic communication (referred to as e-FIR in common parlance): - Electronic communication is defined under Section 2(1)(i) BNSS.

The SHO shall follow the procedure as stipulated under Section 173 (1)(ii) BNSS.

Step 1. Immediately after receiving such electronic communication, the same be entered in the General Diary (GD).

Step 2. An acknowledgement of the receipt of such information with specific mention of legal requirement of signature of the informant to be taken within three days should be immediately communicated to the informant preferably through the same mode of electronic communication through which the information was received.

Step 3. In the scenarios, where the informant or concerned victim may not be able to identify himself and/or physically come to the police station to sign within three days due to their vulnerable circumstances or any other valid reason, the procedure prescribed by the Police Headquarters for such scenario should be followed. However, it is suggested that officials from the police station should proactively take measures to identify the victim or informant and obtain his/her signature for proceeding further. Needless to say, that the *proviso* given under Section 173 (1) are to be followed in letter and spirit.

Step 4. The substance of such information will be entered in a book in such form as the State Government may by rules prescribe in this behalf.

Step 5. A copy of the information as recorded (FIR) shall be given forthwith, free of cost, to the informant or the victim.

4. **Information recorded irrespective of the area where the offence is committed (referred to as Zero FIR in common parlance):-** If the Place of Occurrence (PO) of the incident does not fall under the local jurisdiction of the PS where information is given, the SHO will proceed to register an FIR without assigning it the regular number of FIR meant for the cases falling under the local jurisdiction of the PS. SHO will transfer the same at the earliest to the PS having the proper jurisdiction as per Section 175(1) BNSS. Simultaneously, the informant of the case should be duly informed about transfer of the case to the PS having local jurisdiction.

Step 1. Immediately after receiving such information physically or by electronic communication, the same should be entered in the General Diary (GD).

Step 2. If the information is received by electronic communication, an acknowledgement, with specific mention of legal requirement of signature of the informant to be taken within three days, should be immediately communicated to the informant preferably through the same mode of electronic communication through which the information was received.

Step 3. The substance of such duly signed information will be entered in a book in such form as the State Government may by rules prescribe in this behalf. The National Crime Record Bureau (**NCRB**) has prepared three modules in **CCTNS** to handle such FIRs. These modules are **Registration of Zero FIR, Search and view details of Zero FIR and transfer of Zero FIR respectively.**

Note: In cases of injury, sexual assault, other circumstances where immediate intervention is required, it is advisable that medical treatment and examination, etc. should be facilitated by the PS where information is given and the record thereof be kept. Such necessary bona fide actions taken in the interest of justice are covered under Section 175(2) BNSS.

Step 4. SHO will transfer the same along with the above-mentioned injury reports, etc. at the earliest to the PS having proper jurisdiction as per Section 175(1) BNSS.

Simultaneously, the informant of the case should be duly informed about such transfer of the case to the PS having local jurisdiction.

Step 5. Destination PS officers will take further action as per Section 173 BNSS.

Note: To streamline the process and to ensure timely actions and transfer of the report and other documents, the Police Headquarters may prescribe the mechanism and protocol addressing various scenarios and requirements to duly comply with the victim-friendly intent of the law-framers.

5. **Preliminary Enquiry (PE):**

According to Section 173 (3) BNSS, in certain offences which are made punishable for three years or more but less than seven years, the SHO of the PS **may** with the prior permission from an officer not below the rank of Deputy Superintendent of Police, considering the nature and gravity of the offence, —

(i) proceed to conduct **Preliminary Enquiry** to ascertain whether there exists a prima facie case for proceeding in the matter within a period of fourteen days: or

(ii) proceed with investigation when there exists a prima facie case.

However, it may be pertinent to mention here the Constitution Bench judgment in ***Lalita Kumari vs. Govt. of UP***. For ready reference, the operational part is quoted here under: -

“As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:

(a) Matrimonial disputes/ family disputes

(b) Commercial offences

(c) Medical negligence cases

(d) *Corruption cases*

(e) *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 aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry”.*

Note: Concerned officers should also take note of Section 199(c) of the Bharatiya Nyaya Sanhita, 2023 (BNS) before taking a decision regarding **PE**.

When it comes to the question of conducting PE in cases where the offence has been committed outside the local jurisdiction of the PS, the PE if required/applicable under the provisions of BNSS, ideally should be carried out by the destination PS (having jurisdiction u/s 175(1) BNSS).

The Police Headquarters may prescribe a mechanism to ensure that PE related decisions are taken in the most objective and transparent manner in the interest of justice and concluded within the stipulated time frame (fourteen days). Such a mechanism is expected to cover, *inter alia*, proper documentation relating to permission, findings, decision taken, due supervision and fixing accountability in cases of deliberate lapses, etc.

A general flow of steps may be illustrated as follows:

Step 1. Informant approaches the PS either physically or sends the information by electronic communication.

Step 2. If the information discloses commission of cognizable offence, FIR must be recorded.

Step 3. Considering the provision under Section 173(3) BNSS, the SHO should objectively assess the applicability and requirement of the PE keeping in view various provisions of law, prescribed punishment for the offence, and considering the nature and gravity of the offence. **It should be kept in mind that PE is not mandatory.**

Step 4. If SHO decides that a PE is required to ascertain whether there exists a prima facie case for proceeding in the

matter, he will seek prior permission of his supervisory officer not below the rank of Deputy Superintendent of Police to conduct such PE.

Step 5. Concerned supervisory officer objectively decides on his part whether such a PE is required and tenable under the provisions of law and communicates his decision to the SHO at the earliest.

Step 6. If such a decision is negative, then the SHO or IO shall proceed with the investigation forthwith. If such a decision is in favor of PE, he will proceed to conduct the same. PE must be concluded within the stipulated time frame.

Step 7. If he finds that a prima facie case for proceeding in the matter exists, as prescribed under Section 173(3)(ii) BNSS, he should proceed with the investigation.

Step 8. If he finds that such a prima facie case for proceeding in the matter does not exist, he will duly record the reasons and duly inform his supervisory authorities. It is further advised in such a scenario that such reasoned decision should be promptly communicated to the informant as mandated by the *Lalita Kumari* case verdict.

6. General Instructions

If the information discloses commission of cognizable offence, FIR must be recorded.

In all cases, whenever the FIR is registered, the SHO must mandatorily ensure that a copy of the FIR shall be given forthwith, free of cost, to the informant or the victim.

If any person aggrieved by a refusal on the part of SHO to record an FIR approaches the Superintendent of Police (SP) in manner stipulated under Section 173 (4) BNSS, the concerned SP shall take further action accordingly.

Registration of FIR is one of the most important processes in the criminal justice delivery system. Due sensitization and training of all concerned police officers is expected to be ensured by the leadership of police headquarters of the respective State.
