



Government of Karnataka
(Police Department)

No.CRM-2/40/WP/2014

Office of the
Director General and
Inspector General of Police,
Nrupathunga Road, Bengaluru-01
Dated : 03.03.2020

CIRCULAR

Sub: Compulsory registration of FIR in cognizable cases
as per the directions of Hon'ble Supreme Court directed in
Lalitha Kumari & Others Vs Govt. of Uttar Pradesh & Others.

Ref: This Office Circular of even No. dated : 09.04.2014

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This office has issued the referred circular directing all the Station House Officers of the Police Stations of the State regarding directions issued by the Hon'ble Apex Court in Writ Petition(Crl.) No. 68/2008 between Lalitha Kumari & Govt. of Uttar Pradesh & Others. Further it has been instructed to all the Unit Officers to take appropriate action and issue suitable directions to all the police stations in their jurisdiction to implement the direction issued by the Hon'ble Supreme Court of India.

But it is noticed that, the referred circular is not being complied with properly by the Station House Officers, as they are refusing/delaying registration of FIRs in cognizable cases when the case is made out in the first information apparently on the face of it. Such acts of the Station House Officers have resulted in filing of writ petitions and criminal petitions before the Hon'ble High Court of Karnataka for seeking appropriate directions to the Police Department by the aggrieved persons. Though there is a strict instruction by this office regarding mandatory duty of SHO in registering cognizable cases, this instruction is not properly followed. Hence such reluctant acts, attitudes of the SHO are now considered very seriously and in furtherance of referred circular this circular is being issued with strict instructions to comply with the directions of the Hon'ble Supreme Court of India regarding registration of FIRs in cognizable cases.

- 1) The Station House Officers of the Police Stations shall register the FIR on receipt of First Information/complaint wherein the cognizable case is disclosed and made out on its face.
- 2) If the information so received does not disclose the cognizable case then the SHO shall give an endorsement to the complainant stating "perused the complaint/ information, but as the information is not disclosing the cognizable case, therefore as per directions of the Apex Court given in Lalitha Kumari Vs State of U.P case, preliminary enquiry will be carried on to ascertain about disclosure of cognizable case. On completion of enquiry the action taken by the SHO will be intimated to the informant/complainant".
- 3) On serving the endorsement on the informant the SHO shall go on for preliminary enquiry and complete it within 15 days from the date of receipt of information and if cognizable case is disclosed he shall register FIR with a note about conducting of preliminary enquiry to condone delay in registration of FIR.
- 4) If no cognizable case is disclosed then the SHO shall verify whether any non-cognizable case is disclosed, if found, then he may take recourse U/s 155 of Cr.P.C.
- 5) If neither cognizable case nor non cognizable case is disclosed during the preliminary enquiry then the SHO shall dispose of the information with reasons by intimating the same to the informant.

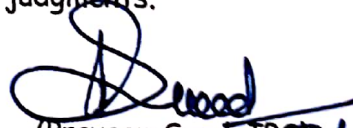
All SHOs shall adhere to the instructions of this circular very strictly, otherwise the erring SHO will be held responsible for the criminal liability for the offence punishable U/s 166 or 166A of the IPC along with departmental enquiry for commission of serious misconduct of dereliction of duty. The Unit Heads shall ensure about compulsory registration of the cognizable cases.

If the complainant/informant approaches the Unit Head U/s 154(3) then, the Superior officers shall see and verify the reasons for the refusal to register the information/complaint as per Sections 154 or 155 Cr.P.C. as the case may be. If the deliberate breach of mandatory provisions of law and directions of the Apex Court is found, then immediately direct the erring SHO to register the FIR and initiate departmental enquiry and register suo motto case against erring SHO for the offence punishable under Section 166 or 166A IPC as the case may be.

All the Unit Heads shall convene and organize workshops immediately for all the SHOs and Investigation Officers of their respective jurisdiction to create awareness about the Lalitha Kumari Vs State of U.P case, T.Shivanna Vs State of Karnataka by Nonavinakeri P.S in respect of registration and investigation in rape cases, Doongarsingh Vs State of Rajasthan regarding compulsory examination of witnesses before the court and recording of 164 statements of the eye witnesses in all cases and directions given by the Hon'ble Supreme Court of India therein and the instructions of these circulars.

The orientation shall also cover provision of Protection of children from sexual offences (POCSO) and Juvenile Justice Act (JJ Act). All officers must be sensitized about the working of their enactments.

Copies of above judgments shall be forwarded to all investigating officers with instructions to comply with this circular as well as the above judgments.


(Praveen Sood, IPS)
Director General and
Inspector General of Police,
Karnataka State, Bengaluru

To,

- 1) All The commissioners of Police.
- 2) All Inspector Generals of Police, in charge of all Ranges.
- 3) All Superintendents of Police in charge of Districts including KGF & Railways.
- 4) All the Police Stations

Copy for information : The Director General of Police, CID, Special Units and Economic offences, Bengaluru.