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THE SUPREME COURT CASES

(2014) 2 SCC

(2014) 2 Supreme Court Cases 1

(BEFORE P. SATHASIVAM, C.J. AND DR B.S. CHAUHAN, RANJANA P. DESAI, RANJAN GOGOI AND S.A. BOBDE, JJ.)

LALITA KUMARI . . Petitioner;

Versus

GOVERNMENT OF UTTAR PRADESH AND OTHERS . . Respondents.

Writ Petition (Crl.) No. 68 of 2008† with SLPs (Crl.) Nos. 5986 of 2006, 5200 of 2009, Criminal Appeals Nos. 1410 of 2011, 1267 of 2007 and Contempt Petition (C) No. D26722 of 2008 in WP (Crl.) No. 68 of 2008, decided on November 12, 2013

A. **Criminal Procedure Code, 1973 — Ss. 154, 155, 156 and 157 — FIR in cognizable case — Registration of — Whether is mandatory or police officer has option, discretion or latitude of conducting preliminary inquiry before registering FIR — Mandatory registration of FIR on receipt of information disclosing a cognizable offence as the general rule — Situations/cases in which preliminary inquiry is permissible — Scope of, and safeguards to be followed in cases where such preliminary inquiry (time-bound) is permissible**

— Held, the registration of FIR is mandatory under S. 154, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation — This is the general rule and must be strictly complied with

— However, where information received does not disclose a cognizable offence a preliminary inquiry may be conducted to ascertain whether cognizable offence is disclosed or not — Also, matrimonial disputes/family

† Under Article 32 of the Constitution of India

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disputes, commercial offences, medical negligence cases, corruption cases, or cases where there is abnormal delay/laches in initiating criminal prosecution are illustrations and not exhaustive of all cases which may warrant preliminary inquiry

— Emphasised however, that scope of preliminary inquiry even when permissible in such limited classes of cases, is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence — Proper stage for such verification of the veracity of the information received is *after* registration of FIR, and *not* before registration of FIR — A preliminary inquiry should be time-bound and in any case it should not exceed 7 days — The fact of such delay and the causes of it must be reflected in the General Diary entry — If preliminary inquiry ends in closing the complaint, a copy of entry of such closure must be supplied to first informant forthwith disclosing reasons therefor — If inquiry discloses commission of a cognizable offence, FIR must be registered — All information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said Diary and the decision to conduct a preliminary inquiry must also be reflected

B. **Criminal Procedure Code, 1973 — S. 154 — FIR — Nature and requirements of — There must be information and it must disclose a cognizable offence**

C. **Criminal Procedure Code, 1973 — Ss. 154, 155 and 172 — FIR — Promptness in filing FIR — Compulsory registration of earliest information as FIR — Twofold objective — Criminal process is set in motion and is well documented from very start preventing embellishments later — Ensures transparency in the criminal justice delivery system and functioning of police, providing for an efficient means to check powers of police as also for judicial oversight of the same — Police Act, 1861 — S. 44 — Rule of Law**

D. **Criminal Procedure Code, 1973 — Ss. 154(1) and 157(1) — FIR — Generally — Kinds of FIR — Two kinds of FIRs: duly signed FIR under S. 154(1) is by the informant to police officer and second kind of FIR is one registered by police itself on any information received other than by way of an informant — Registration of both kinds of FIR, obligatory — Inherent advantages of registration of FIRs, outlined — Non-registration of FIR, consequences — Burking of crime and negative impact on the rule of law, discussed**

E. **Criminal Procedure Code, 1973 — Ss. 154, 156 and 157 — FIR — Powers, Role and Duty of Police in respect of FIR — Police officer cannot avoid his duty of registering a FIR if cognizable offence is disclosed — Action to be taken against erring officers who do not register FIR on receipt of such information — Public Accountability, Vigilance and Prevention of Corruption — Corruption in criminal justice system**

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A two-Judge Bench of the Supreme Court in *Lalita Kumari*, (2008) 7 SCC 164, after noticing the disparity in registration of FIRs by police officers on case-to-case basis across the country, issued notice to the Union of India, the Chief Secretaries of all the States and Union Territories and Directors General of Police/Commissioners of Police to the effect that if steps are not taken for registration of FIRs immediately and the copies thereof are not handed over to the complainants, they may move the Magistrates concerned by filing complaint petitions for appropriate direction(s) to the police to register the case immediately and for apprehending the accused persons, failing which, contempt proceedings must be initiated against such delinquent police officers if no sufficient cause is shown. Pursuant to the above directions, when the matter was heard by the very same Bench, in view of the conflicting decisions of the Supreme Court on the issue of whether or not a police officer is obliged under law, upon receipt of information disclosing commission of a cognizable offence to register a case under Section 154 CrPC, referred the same to a larger Bench.

The issue that arose for consideration before this Constitution Bench was whether a police officer is bound to register a first information report (FIR) upon receiving any information relating to commission of a cognizable offence under Section 154 of the Criminal Procedure Code, 1973 (CrPC) or the police officer has the power to conduct a 'preliminary inquiry' in order to test the veracity of such information before registering the same?

Answering the reference in terms below, the Supreme Court

Held :

The object sought to be achieved by registering the earliest information as FIR is inter alia twofold: one, that the criminal process is set into motion and is well documented from the very start; and second, that the earliest information received in relation to the commission of a cognizable offence is recorded so that there cannot be any embellishment, etc. later. Principles of democracy and liberty demand a regular and efficient check on police powers. One way of keeping check on authorities with such powers is by documenting every action of theirs. Accordingly, under CrPC, actions of the police, etc. are provided to be written and documented. The police is required to maintain several records including case diary as provided under Section 172 CrPC, General Diary as provided under Section 44 of the Police Act, etc. which helps in documenting every information collected, spots visited and all the actions of the police officers so that their activities can be documented. Moreover, every information received relating to commission of a non-cognizable offence also has to be registered under Section 155 CrPC. The underpinnings of compulsory registration of FIR is not only to ensure transparency in the criminal justice-delivery system but also to ensure judicial oversight. Section 157(1) deploys the word "forthwith". Thus, any information received under Section 154(1) or otherwise has to be duly informed in the form of a report to the Magistrate. Thus, the commission of a cognizable offence is not only brought to the knowledge of the investigating agency but also to the subordinate judiciary. (Paras 93 to 96)

CrPC contemplates two kinds of FIRs: the duly signed FIR under Section 154(1) is by the informant to the officer concerned at the police station. The second kind of FIR could be which is registered by the police itself on any information received or other than by way of an informant [Section 157(1)] and even this information has to be duly recorded and the copy should be sent to the Magistrate forthwith. The registration of FIR either on the basis of the

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information furnished by the informant under Section 154(1) CrPC or otherwise under Section 157(1) CrPC is obligatory. The obligation to register FIR has inherent advantages:

(*a*) It is the first step to access to justice for a victim.

(*b*) It upholds the rule of law inasmuch as the ordinary person brings forth the commission of a cognizable crime in the knowledge of the State.

(*c*) It also facilitates swift investigation and sometimes even prevention of the crime. In both cases, it only effectuates the regime of law.

(*d*) It leads to less manipulation in criminal cases and lessens incidents of "antedated" FIR or deliberately delayed FIR. (Para 97)

CBI v. *Tapan Kumar Singh*, (2003) 6 SCC 175 : 2003 SCC (Cri) 1305; *Madhu Bala* v. *Suresh Kumar*, (1997) 8 SCC 476 : 1998 SCC (Cri) 111; *Thulia Kali* v. *State of T.N.*, (1972) 3 SCC 393 : 1972 SCC (Cri) 543, *affirmed*

According to its Statement of Objects and Reasons, protection of the interests of the poor is clearly one of the main objects of CrPC. Making registration of information relating to commission of a cognizable offence mandatory would help society, especially, the poor in rural and remote areas of the country. The number of FIRs not registered is approximately equivalent to the number of FIRs actually registered. Keeping in view the NCRB figures that show that about 60 lakh cognizable offences were registered in India during the year 2012, the burking of crime may itself be in the range of about 60 lakhs every year. Thus, it is seen that such a large number of FIRs are not registered every year, which is a clear violation of the rights of the victims of such a large number of crimes. Burking of crime leads to dilution of the rule of law in the short run; and also has a very negative impact on the rule of law in the long run since people stop having respect for the rule of law. Thus, non-registration of such a large number of FIRs leads to definite lawlessness in the society. Therefore, reading Section 154 CrPC in any other form would not only be detrimental to the scheme of CrPC but also to society as a whole. Thus registration of FIR is mandatory if the information given to the police under Section 154 CrPC discloses the commission of a cognizable offence. (Paras 101 to 105)

Thus, what is necessary is only that the information given to the police must disclose the commission of a cognizable offence. In such a situation, registration of an FIR is mandatory. However, if no cognizable offence is made out in the information given, then the FIR need not be registered immediately and the police can conduct a sort of preliminary verification or inquiry for the limited purpose of ascertaining as to whether a cognizable offence has been committed. But, if the information given clearly mentions the commission of a cognizable offence, there is no other option but to register an FIR forthwith. Other considerations are not relevant at the stage of registration of FIR, such as, whether the information is falsely given, whether the information is genuine, whether the information is credible, etc. These are the issues that have to be verified during the investigation of the FIR. At the stage of registration of FIR, what is to be seen is merely whether the information given ex facie discloses the commission of a cognizable offence. If, after investigation, the information given is found to be false, there is always an option to prosecute the complainant for filing a false FIR. (Paras 119 and 115)

Lalita Kumari v. *State of U.P.*, (2008) 7 SCC 164 : (2008) 3 SCC (Cri) 17 : (2008) 2 SCC (L&S) 401; *Lalita Kumari* v. *State of U.P.*, (2008) 14 SCC 337 : (2009) 2 SCC (Cri) 812; *State of Haryana* v. *Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426; *Ramesh*

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Kumari v. *State (NCT of Delhi)*, (2006) 2 SCC 677 : (2006) 1 SCC (Cri) 678; *Parkash Singh Badal* v. *State of Punjab*, (2007) 1 SCC 1 : (2007) 1 SCC (Cri) 193; *P. Sirajuddin* v. *State of Madras*, (1970) 1 SCC 595 : 1970 SCC (Cri) 240; *Sevi* v. *State of T.N.*, 1981 Supp SCC 43 : 1981 SCC (Cri) 679; *Shashikant* v. *CBI*, (2007) 1 SCC 630 : (2007) 1 SCC (Cri) 406; *Rajinder Singh Katoch* v. *Chandigarh Admn.*, (2007) 10 SCC 69 : (2008) 1 SCC (Cri) 571; *Lalita Kumari* v. *State of U.P.*, (2012) 4 SCC 1 : (2012) 2 SCC (Cri) 1; *Aleque Padamsee* v. *Union of India*, (2007) 6 SCC 171 : (2007) 3 SCC (Cri) 1; *State of U.P.* v. *Bhagwant Kishore Joshi*, AIR 1964 SC 221 : (1964) 1 Cri LJ 140 : (1964) 3 SCR 71; *Jacob Mathew* v. *State of Punjab*, (2005) 6 SCC 1 : 2005 SCC (Cri) 1369; *H.N. Rishbud* v. *State of Delhi*, AIR 1955 SC 196 : 1955 Cri LJ 526; *S.N. Sharma* v. *Bipen Kumar Tiwari*, (1970) 1 SCC 653 : 1970 SCC (Cri) 258; *Union of India* v. *Prakash P. Hinduja*, (2003) 6 SCC 195 : 2003 SCC (Cri) 1314; *Sk. Hasib* v. *State of Bihar*, (1972) 4 SCC 773; *Ashok Kumar Todi* v. *Kishwar Jahan*, (2011) 3 SCC 758 : (2011) 2 SCC (Cri) 75; *Padma Sundara Rao* v. *State of T.N.*, (2002) 3 SCC 533; *Mannalal Khatic* v. *State*, AIR 1967 Cal 478; *Mohindro* v. *State of Punjab*, (2001) 9 SCC 581 : 2002 SCC (Cri) 1087; *Munna Lal* v. *State of H.P.*, 1992 Cri LJ 1558 (HP); *Giridhari Lal Kanak* v. *State*, 2002 Cri LJ 2113 (MP); *Katteri Moideen Kutty Haji* v. *State of Kerala*, (2002) 3 Crimes 143 (Ker), *referred to*

Although Section 154 CrPC postulates the mandatory registration of FIRs on receipt of information as to all cognizable offences, yet, there may be instances where preliminary inquiry may be required owing to the change in genesis and novelty of crimes with the passage of time. One such instance is in the case of allegations relating to medical negligence on the part of doctors. It will be unfair and inequitable to prosecute a medical professional only on the basis of the allegations in the complaint. In the context of offences relating to corruption, the Supreme Court has also expressed the need for a preliminary inquiry before proceeding against public servants. (Paras 115 and 117)

P. Sirajuddin v. *State of Madras*, (1970) 1 SCC 595 : 1970 SCC (Cri) 240; *Jacob Mathew* v. *State of Punjab*, (2005) 6 SCC 1 : 2005 SCC (Cri) 1369; *CBI* v. *Tapan Kumar Singh*, (2003) 6 SCC 175 : 2003 SCC (Cri) 1305, *affirmed*

State of M.P. v. *Santosh Kumar*, (2006) 6 SCC 1 : (2006) 3 SCC (Cri) 1; *Suresh Gupta* v. *Govt. of NCT of Delhi*, (2004) 6 SCC 422 : 2004 SCC (Cri) 1785; *Bolam* v. *Friern Hospital Management Committee*, (1957) 1 WLR 582 : (1957) 2 All ER 118, *cited*

Thus, the law can be summarised as follows:

(*i*) The registration of FIR is mandatory under Section 154 CrPC, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.

(*ii*) If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.

(*iii*) If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further.

(*iv*) A police officer cannot avoid his duty of registering a FIR if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.

(*v*) The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.

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(*vi*) 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.

(*vii*) While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time-bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry.

(*viii*) Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said diary and the decision to conduct a preliminary inquiry must also be reflected therein.

(Para 120)

F. **Criminal Procedure Code, 1973 — S. 154 — FIR — Generally — Object — Main object from informant's point of view is to set criminal law in motion; and from point of view of investigating authorities to obtain information about alleged criminal activity to be able to take suitable steps to trace and to bring to book the guilty**

G. **Criminal Procedure Code, 1973 — S. 154 — FIR — Compulsory registration of FIR — Historical background of the provision and corresponding provisions existing in previous enactments of the Criminal Procedure Code, examined — Legislative intent in both old and the new Code is for compulsory registration of FIR in a case of cognizable offence without conducting any preliminary inquiry — Criminal Procedure Code, 1861 — S. 139 — Criminal Procedure Code, 1872 — S. 112 — Criminal Procedure Code, 1882 — S. 154 — Criminal Procedure Code, 1898, S. 154**

H. **Criminal Procedure Code, 1973 — Ch. XII (Ss. 154 to 176) — Procedure to be followed during investigation — Object — To set the criminal law in motion and to provide for all procedural safeguards so as to ensure that the investigation is fair, is not mala fide and there is no scope of tampering with the evidence collected during the investigation**

Held :

The FIR is a pertinent document in the criminal law procedure of our country and its main object from the point of view of the informant is to set the criminal law in motion and from the point of view of the investigating authorities is to obtain information about the alleged criminal activity so as to be able to take suitable steps to trace and to bring to book the guilty. Historical experience has thrown up cases from both the sides where the grievance of the victim/informant of non-registration of valid FIRs as well as that of the accused of being

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unnecessarily harassed and investigated upon false charges have been found to be correct. However, on the other hand, there are a number of cases which exhibit that there are instances where the power of the police to register an FIR and initiate an investigation thereto are misused where a cognizable offence is not made out from the contents of the complaint. (Paras 31 to 36)

In order to arrive at a conclusion in the light of divergent views on the point and also to answer the above contentions, it is pertinent to have a look at the historical background of the section and corresponding provisions that existed in the previous enactments of CrPC. The legislative intent manifested in both old Codes and the new Code is for compulsory registration of FIR in a case of cognizable offence without conducting any preliminary inquiry. The precursor to the present Code of 1973 is the Code of 1898 wherein substantial changes were made in the powers and procedure of the police to investigate. The starting point of the powers of police was changed from the power of the officer in charge of a police station to investigate into a cognizable offence without the order of a Magistrate, to the reduction of the first information regarding commission of a cognizable offence, whether received orally or in writing, into writing and into the book separately prescribed by the Provincial Government for recording such first information. As such, a significant change that took place by way of the 1898 Code was with respect to the placement of Section 154 i.e. the provision imposing requirement of recording the first information regarding commission of a cognizable offence in the special book prior to Section 156 i.e. the provision empowering the police officer to investigate a cognizable offence. As such, the objective of such placement of provisions was clear which was to ensure that the recording of the first information should be the starting point of any investigation by the police. In the interest of expediency of investigation since there was no safeguard of obtaining permission from the Magistrate to commence an investigation, the said procedure of recording first information in their books along with the signature/seal of the informant, would act as an "extremely valuable safeguard" against the excessive, mala fide and illegal exercise of the investigative powers by the police. The provisions contained in Chapter XII CrPC deal with information to the police and their powers to investigate. The said Chapter sets out the procedure to be followed during investigation. The objective to be achieved by the procedure prescribed in the said Chapter is to set the criminal law in motion and to provide for all procedural safeguards so as to ensure that the investigation is fair and is not mala fide and there is no scope of tampering with the evidence collected during the investigation. (Paras 37 to 39)

Aleque Padamsee v. *Union of India*, (2007) 6 SCC 171 : (2007) 3 SCC (Cri) 1; *State of Maharashtra* v. *Sarangdharsingh Shivdassingh Chavan*, (2011) 1 SCC 577 : (2011) 1 SCC (Cri) 477; *Preeti Gupta* v. *State of Jharkhand*, (2010) 7 SCC 667 : (2010) 3 SCC (Cri) 473, *considered*

Law Commission of India, 243rd Report, *referred to*

I. **Penal Code, 1860 — S. 166-A [*ins.* vide Criminal Law (Amendment) Act, 2013] and S. 154 CrPC — Punishment of non-registration of FIR for cognizable offences specified under S. 166-A IPC held, does not imply that registration of FIR is not compulsory for offences other than those specified in S. 166-A IPC and police has discretion to hold a preliminary inquiry if there is doubt about correctness of the information given — S. 166-A IPC is to be read in consonance with S. 154(1) CrPC and not contrary to it — Object of S. 166-A IPC and intention of the legislature in putting forth this**

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amendment was to tighten the already existing provisions to provide enhanced safeguards to women — It is expressly to punish police officers for their failure to register FIRs in cases of crimes against women — Crimes Against Women and Children — Generally — Additional safeguards — Constitution of India, Art. 15(3) (Paras 40 to 42)

J. **Criminal Procedure Code, 1973 — S. 154 — Duty of police officer to register FIR on information disclosing a cognizable offence — Word "*shall*" occurring in S. 154(1) — Nature of — Literal construction — Held, for "cognizable offences" a duty has been cast upon the police to mandatorily register a FIR — "Shall" given its ordinary meaning of being "mandatory" in character — Regard to context in and object with which word is used and consequences following infringement of the direction to register FIRs, ascertained — Mandate of S. 154(1), held, does not confer any discretion on officer in charge of the police station for embarking upon a preliminary inquiry prior to registration of FIR — Interpretation of Statutes — Subsidiary Rules — Mandatory or Directory — Use of word "*shall*" — Basic Rules — Literal or strict construction — When may not be departed from — If the provision is unambiguous and legislative intent is clear (Paras 44 to 56)**

K. **Criminal Procedure Code, 1973 — Ss. 39 and 154(1) — "Shall" occurring in both provisions — Relevance — It would be incongruous to suggest that though it is the duty of every citizen to inform about commission of an offence under S. 39, but it is not obligatory for the officer in charge of a police station to register the report under S. 154 — The word "shall" occurring in S. 39 has to be given the same meaning as the word "shall" occurring in S. 154(1) (Paras 55 and 56)**

State of Haryana v. *Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426; *B. Premanand* v. *Mohan Koikal*, (2011) 4 SCC 266 : (2011) 1 SCC (L&S) 676; *Hiralal Rattanlal* v. *State of U.P.*, (1973) 1 SCC 216 : 1973 SCC (Tax) 307 (Four-Judge Bench); *Khub Chand* v. *State of Rajasthan*, AIR 1967 SC 1074; *Swedish Match AB* v. *SEBI*, (2004) 11 SCC 641, *affirmed*

Govindlal Chhaganlal Patel v. *Agricultural Produce Market Committee, Godhra*, (1975) 2 SCC 482, *referred to*

L. **Criminal Procedure Code, 1973 — Ss. 154 and 172 — FIR — Recording of, in FIR book and General Diary — Distinction between — FIR to be registered first in FIR book — In addition, gist of FIR may also be mentioned simultaneously in General Diary as mandated in respective Police Act or Rules of State concerned — In case of inconsistency between provisions of S. 154 CrPC and S. 44 of the Police Act, 1861, with regard to whether FIR is to be registered in FIR book or General Diary, provisions of S. 154 shall prevail and S. 44 of Police Act, 1861 shall be void to the extent of the repugnancy, as Police Act, 1861 being an "existing law" must give way to CrPC, 1973, a law enacted by India's Sovereign Parliament — Hence, contention that information will first be recorded in the General Diary and only after preliminary inquiry, if required, shall the information be registered as FIR, rejected — Constitution of India — Art. 254 — Primacy of law made by Parliament over existing law/pre-constitutional law — Police Act, 1861, S. 44**

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M. **Criminal Procedure Code, 1973 — S. 154 — FIR — General Diary — Held, all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the General Diary and the decision to conduct a preliminary inquiry must also be reflected therein — Police Act, 1861, S. 44**

Held :

The question that whether the FIR is to be recorded in the FIR book or in the General Diary, is no more res integra. Registration of FIR is to be done in a book called FIR book or FIR register. Of course, in addition, the gist of the FIR or the substance of the FIR may also be mentioned simultaneously in the General Diary as mandated in the respective Police Act or Rules, as the case may be, under the relevant State provisions. (Paras 57 to 63)

Madhu Bala v. *Suresh Kumar*, (1997) 8 SCC 476 : 1998 SCC (Cri) 111; *State of Haryana* v. *Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426, *affirmed*

The General Diary is a record of all important transactions/events taking place in a police station, including departure and arrival of police staff, handing over or taking over of charge, arrest of a person, details of law and order duties, visit of senior officers, etc. It is in this context that gist or substance of each FIR being registered in the police station is also mentioned in the General Diary since registration of FIR also happens to be a very important event in the police station. Since General Diary is a record that is maintained chronologically on day-to-day basis (on each day, starting with new number 1), the General Diary entry reference is also mentioned simultaneously in the FIR book, while FIR number is mentioned in the General Diary entry since both of these are prepared simultaneously. (Para 64)

It is relevant to point out that FIR book is maintained with its number given on an annual basis. This means that each FIR has a unique annual number given to it. This is on similar lines as the case numbers given in courts. Due to this reason, it is possible to keep a strict control and track over the registration of FIRs by the supervisory police officers and by the courts, wherever necessary. Copy of each FIR is sent to the superior officers and to the Judicial Magistrate concerned. (Para 65)

On the other hand, General Diary contains a huge number of other details of the proceedings of each day. Copy of General Diary is not sent to the Judicial Magistrate having jurisdiction over the police station, though its copy is sent to a superior police officer. Thus, it is not possible to keep strict control of each and every FIR recorded in the General Diary by the superior police officers and/or the court in view of enormous amount of other details mentioned therein and the numbers changing every day. The signature of the complainant is obtained in the FIR book as and when the complaint is given to the police station. On the other hand, there is no such requirement of obtaining signature of the complainant in the General Diary. Moreover, at times, the complaint given may consist of large number of pages, in which case it is only the gist of the complaint which is to be recorded in the General Diary and not the full complaint. This does not fit in with the suggestion that what is recorded in General Diary should be considered to be the fulfilment/compliance with the requirement of Section 154 of registration of FIR. In fact, the usual practice is to record the complete complaint in the FIR book (or annex it with the FIR form) but record only about one or two paragraphs (gist of the information) in the General Diary. (Paras 64 to 67)

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From the mandate of Article 254(1) of the Constitution it is clear that if there is any inconsistency between the provisions of CrPC (a law made by Parliament) and the Police Act, 1861 (an existing law), the provisions of CrPC will prevail and the provisions of the Police Act would be void to the extent of the repugnancy. If at all, there is any inconsistency in the provisions of Section 154 CrPC and Section 44 of the Police Act, 1861, with regard to the fact as to whether the FIR is to be registered in the FIR book or in the General Diary, the provisions of Section 154 CrPC will prevail and the provisions of Section 44 of the Police Act, 1861 (or similar provisions of the respective corresponding Police Act or Rules in other respective States) shall be void to the extent of the repugnancy. Thus, FIR is to be recorded in the FIR book, as mandated under Section 154 CrPC, and it is not correct to state that information will be first recorded in the General Diary and only after preliminary inquiry, if required, the information will be registered as FIR. It is thus unequivocally clear that registration of FIR is mandatory and also that it is to be recorded in the FIR book by giving a unique annual number to each FIR to enable strict tracking of each and every registered FIR by the superior police officers as well as by the competent court to which copies of each FIR are required to be sent. (Paras 69, 70 and 72)

CBI v. *Tapan Kumar Singh*, (2003) 6 SCC 175 : 2003 SCC (Cri) 1305, *affirmed*

Subbaratnam, In re, AIR 1949 Mad 663, *referred to*

N. **Criminal Procedure Code, 1973 — Ss. 154 and 41 [before and after its amendment vide Act 5 of 2009] — FIR — Form and language of FIR — Information relating to commission of a cognizable offence — Mandatory duty of police under S. 154 to register FIR upon receipt of — Expression "information" in S. 154 is not qualified by prefix "reasonable" or "credible" — Distinguished from use of such expressions in Ss. 41(1)(a) and (g) [as they stood before Act 5 of 2009] and Ss. 41(1)(b), (ba) and (g) [as they stand after Act 5 of 2009 w.e.f. 1-1-2010] — Held, reasonableness or credibility of the information is not a condition precedent for the registration of a case under S. 154**

Held :

The legislature has consciously used the expression "information" in Section 154(1) CrPC as against the expression used in Sections 41(1)(*a*) and (*g*) [as they stood before Act 5 of 2009] and Sections 41(1)(*b*), (*ba*) and (*g*) [as they stand after Act 5 of 2009 w.e.f. 1-1-2010] where the expression used for arresting a person without warrant is "reasonable complaint" or "credible information". The expression under Section 154(1) CrPC is not qualified by the prefix "reasonable" or "credible". The non-qualification of the word "information" in Section 154(1) unlike in Sections 41(1)(*b*) and (*g*) CrPC is for the reason that the police officer should not refuse to record any information relating to the commission of a cognizable offence on the ground that he is not satisfied with the reasonableness or credibility of the information. In other words, reasonableness or credibility of the said information is not a condition precedent for the registration of a case under Section 154. (Paras 73 and 94)

State of Haryana v. *Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426; *Ramesh Kumari* v. *State (NCT of Delhi)*, (2006) 2 SCC 677 : (2006) 1 SCC (Cri) 678; *Parkash Singh Badal* v. *State of Punjab*, (2007) 1 SCC 1 : (2007) 1 SCC (Cri) 193; *Ram Lal Narang* v. *State (Delhi Admn.)*, (1979) 2 SCC 322 : 1979 SCC (Cri) 479; *Lallan Chaudhary* v. *State of Bihar*, (2006) 12 SCC 229 : (2007) 1 SCC (Cri) 684, *affirmed*

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B. Premanand v. *Mohan Koikal*, (2011) 4 SCC 266 : (2011) 1 SCC (L&S) 676; *Hiralal Rattanlal* v. *State of U.P.*, (1973) 1 SCC 216 : 1973 SCC (Tax) 307; *Ganesh Bhavan Patel* v. *State of Maharashtra*, (1978) 4 SCC 371 : 1979 SCC (Cri) 1; *Aleque Padamsee* v. *Union of India*, (2007) 6 SCC 171 : (2007) 3 SCC (Cri) 1; *State of U.P.* v. *Bhagwant Kishore Joshi*, AIR 1964 SC 221 : (1964) 1 Cri LJ 140 : (1964) 3 SCR 71; *CBI* v. *Tapan Kumar Singh*, (2003) 6 SCC 175 : 2003 SCC (Cri) 1305; *Khub Chand* v. *State of Rajasthan*, AIR 1967 SC 1074; *State of W.B.* v. *Committee for Protection of Democratic Rights*, (2010) 3 SCC 571 : (2010) 2 SCC (Cri) 401; *Board of Mining Examination* v. *Ramjee*, (1977) 2 SCC 256 : 1977 SCC (L&S) 226; *Lalit Mohan Pandey* v. *Pooran Singh*, (2004) 6 SCC 626; *Prativa Bose* v. *Kumar Rupendra Deb Raikat*, AIR 1965 SC 540 : (1964) 4 SCR 69, *referred to*

King Emperor v. *Khwaja Nazir Ahmad*, (1943-44) 71 IA 203 : (1945) 58 LW 57 : AIR 1945 PC 18, *cited*

O. **Criminal Procedure Code, 1973 — S. 154 — FIR — Duty of police to file FIR on receipt of information disclosing cognizable offence — Mandatory nature of — Maxim *expressio unius est exclusio alterius* — Information provided about commission of a cognizable offence must be registered as an FIR and every cognizable offence must be investigated promptly in accordance with law — Held, there is no discretion or option left with the police to register or not to register an FIR when information is given about the commission of a cognizable offence — Doctrines and Maxims — *Expressio unius est exclusio alterius* (expression of one thing is the exclusion of another), applied**

P. **Constitution of India — Art. 21 — "Procedure established by law" — Registration of FIR before investigation — Right of the accused under Art. 21 is protected if the FIR is registered first and then the investigation is conducted in accordance with the provisions of law — Criminal Procedure Code, 1973, S. 154**

Held :

The maxim *expressio unius est exclusio alterius* (expression of one thing is the exclusion of another) applies in the interpretation of Section 154 CrPC, where the mandate of recording the information in writing excludes the possibility of not recording an information of commission of a cognizable crime in the special register. Therefore, conducting an investigation into an offence after registration of FIR under Section 154 CrPC is the "procedure established by law" and, thus, is in conformity with Article 21 of the Constitution. Accordingly, the right of the accused under Article 21 of the Constitution is protected if the FIR is registered first and then the investigation is conducted in accordance with the provisions of law. (Paras 83 to 86)

Preeti Gupta v. *State of Jharkhand*, (2010) 7 SCC 667 : (2010) 3 SCC (Cri) 473, *referred to*

P. Sirajuddin v. *State of Madras*, (1970) 1 SCC 595 : 1970 SCC (Cri) 240; *Sevi* v. *State of T.N.*, 1981 Supp SCC 43 : 1981 SCC (Cri) 679; *Shashikant* v. *CBI*, (2007) 1 SCC 630 : (2007) 1 SCC (Cri) 406; *Rajinder Singh Katoch* v. *Chandigarh Admn.*, (2007) 10 SCC 69 : (2008) 1 SCC (Cri) 571; *State of U.P.* v. *Bhagwant Kishore Joshi*, AIR 1964 SC 221 : (1964) 1 Cri LJ 140 : (1964) 3 SCR 71; *CBI* v. *Tapan Kumar Singh*, (2003) 6 SCC 175 : 2003 SCC (Cri) 1305; *Maneka Gandhi* v. *Union of India*, (1978) 1 SCC 248; *State of Maharashtra* v. *Sarangdharsingh Shivdassingh Chavan*, (2011) 1 SCC 577 : (2011) 1 SCC (Cri) 477; *King Emperor* v. *Khwaja Nazir Ahmad*, (1943-44) 71 IA 203 : (1945) 58 LW 57 : AIR 1945 PC 18; *E.P. Royappa* v. *State of T.N.*, (1974) 4 SCC 3 : 1974 SCC (L&S) 165; *S.M.D. Kiran Pasha* v. *State of A.P.*, (1990) 1 SCC 328 : 1990 SCC (Cri) 110; *D.K. Basu* v. *State of W.B.*, (1997) 1 SCC 416 : 1997 SCC (Cri) 92; *Uma Shankar Sitani*

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v. *Commr. of Police*, (1996) 11 SCC 714 : 1997 SCC (Cri) 266; *Francis Coralie Mullin* v. *UT of Delhi*, (1981) 1 SCC 608 : 1981 SCC (Cri) 212; *Common Cause* v. *Union of India*, (1999) 6 SCC 667 : 1999 SCC (Cri) 1196; *District Registrar and Collector* v. *Canara Bank*, (2005) 1 SCC 496; *Ranjitsing Brahmajeetsing Sharma* v. *State of Maharashtra*, (2005) 5 SCC 294 : 2005 SCC (Cri) 1057; *Vineet Narain* v. *Union of India*, (1998) 1 SCC 226 : 1998 SCC (Cri) 307; *Elumalai* v. *State of T.N.*, 1983 LW (Cri) 121 (Mad); *A. Lakshmanarao* v. *Judicial Magistrate, Parvatipuram*, (1970) 3 SCC 501 : 1971 SCC (Cri) 107; *State of U.P.* v. *Ram Sagar Yadav*, (1985) 1 SCC 552 : 1985 SCC (Cri) 127; *Mona Panwar* v. *High Court of Judicature of Allahabad*, (2011) 3 SCC 496 : (2011) 1 SCC (Cri) 1181; *Apren Joseph* v. *State of Kerala*, (1973) 3 SCC 114 : 1973 SCC (Cri) 195, *cited*

Q. **Criminal Procedure Code, 1973 — S. 154 and Ss. 2(g), 159, 202 & 340 — "Inquiry" and "preliminary inquiry" under Ss. 2(g), 159, 202 & 340 — Distinguished from such acts envisaged under S. 154 — Held, "inquiry" in Ss. 2(g), 159, 202 and 340 is relatable to a judicial act, and not to the steps taken by the police which are either investigation after the stage of S. 154 or termed as "preliminary inquiry" prior to the registration of FIR, even though no entry in the General Diary/Station Diary/Daily Diary has been made — Words and Phrases — "Inquiry", "investigation" and "preliminary inquiry"**

Held :

It is clear that the term "inquiry" as per Section 2(*g*) CrPC is relatable to a judicial act and not to the steps taken by the police which are either investigation after the stage of Section 154 CrPC or termed as "preliminary inquiry" and which are prior to the registration of FIR, even though, no entry in the General Diary/Station Diary/Daily Diary has been made. Though there is reference to the terms "preliminary inquiry" and "inquiry" under Section 159 and Sections 202 and 340 CrPC, that is a judicial exercise undertaken by the court and not by the police and is not relevant for the purpose of the present reference. (Paras 87 and 88)

R. **Criminal Procedure Code, 1973 — Ss. 154, 4(2) and 5 — FIR in cognizable case — Preliminary inquiry before lodging FIR — Rules in CBI Crime Manual — Applicability of, to S. 154 CrPC — Contention as to, rejected — Held, CBI Crime Manual cannot be relied upon to import the concept of holding of preliminary inquiry into the scheme of CrPC — CBI Crime Manual is not a statute and has not been enacted by the legislature and is a set of administrative orders issued for internal guidance of CBI officers — It cannot supersede CrPC — Powers of CBI under Delhi Special Police Establishment Act, 1946 cannot be equated with the powers of the regular State Police under CrPC — CBI Crime Manual — Ch. IX — Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), S. 2**

Held :

It is true that the concept of "preliminary inquiry" is contained in Chapter IX of the Crime Manual of CBI. However, this Crime Manual is not a statute and has not been enacted by the legislature. It is a set of administrative orders issued for internal guidance of the CBI officers. It cannot supersede CrPC. Moreover, in the absence of any indication to the contrary in CrPC itself, the provisions of the CBI Crime Manual cannot be relied upon to import the concept of holding of preliminary inquiry in the scheme of CrPC. At this juncture, it is also pertinent to submit that CBI is constituted under a special Act, namely, the Delhi Special Police Establishment Act, 1946 and it derives its power to investigate from this

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Act. It may be submitted that Sections 4(2) and 5 CrPC permit special procedures to be followed for special Acts. It is thus clear that for the offences under the laws other than IPC, different provisions can be laid down under a special Act to regulate the investigation, inquiry, trial, etc. of those offences. Section 4(2) CrPC protects such special provisions. Thus, special provisions contained in the DSPE Act relating to the powers of CBI are protected also by Section 5 CrPC. In view of the above specific provisions in CrPC, the powers of CBI under the DSPE Act, cannot be equated with the powers of the regular State Police under CrPC. (Paras 89 to 92)

S. **Criminal Procedure Code, 1973 — Ss. 154, 41, 151, 157, 173 and 438 — Mandatory registration of FIR before conducting preliminary inquiry — Apprehension of misuse by indiscriminate arrest in violation of rights of accused under Art. 21 of Constitution, held, is misplaced — Sufficient safeguards exist against misuse, abuse and arbitrary exercise of power — Held, arrest of a person and registration of FIR are not directly and/or irreversibly linked and they are entirely different concepts operating under entirely different parameters — There are several safeguards available against arrest — Besides, CrPC gives power to the police officer to close a matter both before and after investigation if it appears to him that there are insufficient ground(s) to investigate the same — Sufficient safeguards are provided in CrPC which duly protect the liberty of an individual in case of registration of false FIR — Constitution of India — Arts. 21 and 14 — Criminal Trial — Arrest — Penal Code, 1860, S. 166**

Held :

Another argument raised in support of preliminary inquiry is that mandatory registration of FIRs will lead to arbitrary arrest, which will directly be in contravention of Article 21 of the Constitution. While registration of FIR is mandatory, arrest of the accused immediately on registration of FIR is not at all mandatory. In fact, registration of FIR and arrest of an accused person are two entirely different concepts under the law, and there are several safeguards available against arrest. Moreover, it is also pertinent to mention that an accused person also has a right to apply for anticipatory bail under the provisions of Section 438 CrPC if the conditions mentioned therein are satisfied. Thus, in appropriate cases, he can avoid the arrest under that provision by obtaining an order from the court. (Paras 106 and 107)

The registration of FIR under Section 154 CrPC and arrest of an accused person under Section 41 are two entirely different things. It is not correct to say that just because FIR is registered, the accused person can be arrested immediately. It is the imaginary fear that merely because FIR has been registered, it would require arrest of the accused and thereby leading to loss of his reputation and the Supreme Court should not hold that registration of FIR is mandatory to avoid such inconvenience to some persons. The remedy lies in strictly enforcing the safeguards available against arbitrary arrests made by the police and not in allowing the police to avoid mandatory registration of FIR when the information discloses commission of a cognizable offence. (Para 109)

This can also be seen from the fact that Section 151 CrPC allows a police officer to arrest a person, even before the commission of a cognizable offence, in order to prevent the commission of that offence, if it cannot be prevented otherwise. Such preventive arrests can be valid for 24 hours. However, a

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Maharashtra State amendment to Section 151 allows the custody of a person in that State even for up to a period of 30 days (with the order of the Judicial Magistrate) even before a cognizable offence is committed in order to prevent commission of such offence. Thus, the arrest of a person and registration of FIR are not directly and/or irreversibly linked and they are entirely different concepts operating under entirely different parameters. On the other hand, if a police officer misuses his power of arrest, he can be tried and punished under Section 166 IPC. (Para 110)

Besides, CrPC gives power to the police to close a matter both before and after investigation. A police officer can foreclose an FIR before an investigation under Section 157 CrPC, if it appears to him that there is no sufficient ground to investigate the same. Section 157 CrPC itself states that a police officer can start investigation when he has "*reason to suspect the commission of an offence*". Therefore, the requirements of launching an investigation under Section 157 CrPC are higher than the requirement under Section 154 CrPC. The police officer can also, in a given case, investigate the matter and then file a final report under Section 173 CrPC seeking closure of the matter. Therefore, the police is not liable to launch an investigation in every FIR which is mandatorily registered on receiving information relating to commission of a cognizable offence. Likewise, giving power to the police to close an investigation, Section 157 CrPC also acts like a check on the police to make sure that it is dispensing its function of investigating cognizable offences. Therefore, the scheme of CrPC not only ensures that the time of the police should not be wasted on false and frivolous information but also that the police should not intentionally refrain from doing their duty of investigating cognizable offences. As a result, the apprehension of misuse of the provision of mandatory registration of FIR is unfounded and speculative in nature. (Paras 111 and 112)

It is true that a delicate balance has to be maintained between the interest of society and protecting the liberty of an individual. There are already sufficient safeguards provided in CrPC which duly protect the liberty of an individual in case of registration of false FIR. At the same time, Section 154 was drafted keeping in mind the interest of the victim and the society. Therefore, mandatory registration of FIRs under Section 154 CrPC will not be in contravention of Article 21 of the Constitution. (Para 114)

Maneka Gandhi v. *Union of India*, (1978) 1 SCC 248, *relied on*

Joginder Kumar v. *State of U.P.*, (1994) 4 SCC 260 : 1994 SCC (Cri) 1172, *considered*

Aleque Padamsee v. *Union of India*, (2007) 6 SCC 171 : (2007) 3 SCC (Cri) 1; *State of Maharashtra* v. *Sarangdharsingh Shivdassingh Chavan*, (2011) 1 SCC 577 : (2011) 1 SCC (Cri) 477, *referred to*

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39. 1983 LW (Cri) 121 (Mad), *Elumalai* v. *State of T.N.* 49*b*
40. (1981) 1 SCC 608 : 1981 SCC (Cri) 212, *Francis Coralie Mullin* v. *UT of Delhi* 48*f-g*
41. 1981 Supp SCC 43 : 1981 SCC (Cri) 679, *Sevi* v. *State of T.N.* 18*d*, 22*a*, 24*f*, 26*c*, 49*b*
42. (1979) 2 SCC 322 : 1979 SCC (Cri) 479, *Ram Lal Narang* v. *State (Delhi Admn.)* 21*c*, 45*d-e*
43. (1978) 4 SCC 371 : 1979 SCC (Cri) 1, *Ganesh Bhavan Patel* v. *State of Maharashtra* 21*c*
44. (1978) 1 SCC 248, *Maneka Gandhi* v. *Union of India* 26*e*, 48*f-g*, 59*a-b*
45. (1977) 2 SCC 256 : 1977 SCC (L&S) 226, *Board of Mining Examination* v. *Ramjee* 27*f-g*
46. (1975) 2 SCC 482, *Govindlal Chhaganlal Patel* v. *Agricultural Produce Market Committee, Godhra* 21*b*
47. (1974) 4 SCC 3 : 1974 SCC (L&S) 165, *E.P. Royappa* v. *State of T.N.* 48*f*
48. (1973) 3 SCC 114 : 1973 SCC (Cri) 195, *Apren Joseph* v. *State of Kerala* 49*b-c*
49. (1973) 1 SCC 216 : 1973 SCC (Tax) 307, *Hiralal Rattanlal* v. *State of U.P.* 21*b*, 22*e*, 33*f*, 33*g-h*
50. (1972) 4 SCC 773, *Sk. Hasib* v. *State of Bihar* 23*d*
51. (1972) 3 SCC 393 : 1972 SCC (Cri) 543, *Thulia Kali* v. *State of T.N.* 52*g*
52. (1970) 3 SCC 501 : 1971 SCC (Cri) 107, *A. Lakshmanarao* v. *Judicial Magistrate, Parvatipuram* 49*b-c*

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53. (1970) 1 SCC 653 : 1970 SCC (Cri) 258, *S.N. Sharma* v. *Bipen Kumar Tiwari* 23*d*
54. (1970) 1 SCC 595 : 1970 SCC (Cri) 240, *P. Sirajuddin* v. *State of Madras* 18*d*, 22*a*, 22*e-f*, 23*d-e*, 24*f*, 26*c*, 49*b*, 60*d*
55. AIR 1967 SC 1074, *Khub Chand* v. *State of Rajasthan* 22*e-f*, 36*b*
56. AIR 1967 Cal 478, *Mannalal Khatic* v. *State* 23*e*
57. AIR 1965 SC 540 : (1964) 4 SCR 69, *Prativa Bose* v. *Kumar Rupendra Deb Raikat* 27*f-g*
58. AIR 1964 SC 221 : (1964) 1 Cri LJ 140 : (1964) 3 SCR 71, *State of U.P.* v. *Bhagwant Kishore Joshi* 22*a*, 22*e*, 23*d-e*, 24*f*, 26*c*, 49*b*
59. (1957) 1 WLR 582 : (1957) 2 All ER 118, *Bolam* v. *Friern Hospital Management Committee* 60*b-c*
60. AIR 1955 SC 196 : 1955 Cri LJ 526, *H.N. Rishbud* v. *State of Delhi* 23*d*
61. AIR 1949 Mad 663, *Subbaratnam, In re* 25*b-c*
62. (1943-44) 71 IA 203 : (1945) 58 LW 57 : AIR 1945 PC 18, *King Emperor* v. *Khwaja Nazir Ahmad* 46*d-e*, 49*b-c*

The Judgment of the Court was delivered by

P. SATHASIVAM, C.J.— The important issue which arises for consideration in the referred matter is whether "a police officer is bound to register a first information report (FIR) upon receiving any information relating to commission of a cognizable offence under Section 154 of the Code of Criminal Procedure, 1973 (in short 'the Code') or the police officer has the power to conduct a 'preliminary inquiry' in order to test the veracity of such information before registering the same"?

2. The present writ petition, under Article 32 of the Constitution, has been filed by one Lalita Kumari (minor) through her father viz. Shri Bhola Kamat for the issuance of a writ of habeas corpus or direction(s) of like nature against the respondents herein for the protection of his minor daughter who has been kidnapped. The grievance in the said writ petition is that on 11-5-2008, a written report was submitted by the petitioner before the officer in charge of the police station concerned who did not take any action on the same. Thereafter, when the Superintendent of Police was moved, an FIR was registered. According to the petitioner, even thereafter, steps were not taken either for apprehending the accused or for the recovery of the minor girl child.

3. A two-Judge Bench of this Court in, *Lalita Kumari* v. *State of U.P.*[1], after noticing the disparity in registration of FIRs by police officers on case-to-case basis across the country, issued notice to the Union of India, the Chief Secretaries of all the States and Union Territories and Directors General of Police/Commissioners of Police to the effect that if steps are not taken for registration of FIRs immediately and the copies thereof are not handed over to the complainants, they may move the Magistrates concerned by filing complaint petitions for appropriate direction(s) to the police to register the

1 (2008) 7 SCC 164 : (2008) 3 SCC (Cri) 17 : (2008) 2 SCC (L&S) 401

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case immediately and for apprehending the accused persons, failing which, contempt proceedings must be initiated against such delinquent police officers if no sufficient cause is shown.

4. Pursuant to the above directions, when the matter was heard by the very same Bench in *Lalita Kumari* v. *State of U.P.*[2], Mr S.B. Upadhyay, learned Senior Counsel for the petitioner, projected his claim that upon receipt of information by a police officer in charge of a police station disclosing a cognizable offence, it is imperative for him to register a case under Section 154 of the Code and placed reliance upon the two-Judge Bench decisions of this Court in *State of Haryana* v. *Bhajan Lal*[3], *Ramesh Kumari* v. *State (NCT of Delhi)*[4] and *Parkash Singh Badal* v. *State of Punjab*[5]. On the other hand, Mr Shekhar Naphade, learned Senior Counsel for the State of Maharashtra submitted that an officer in charge of a police station is not obliged under law, upon receipt of information disclosing commission of a cognizable offence, to register a case rather the discretion lies with him, in appropriate cases, to hold some sort of preliminary inquiry in relation to the veracity or otherwise of the accusations made in the report. In support of his submission, he placed reliance upon the two-Judge Bench decisions of this Court in *P. Sirajuddin* v. *State of Madras*[6], *Sevi* v. *State of T.N.*[7], *Shashikant* v. *CBI*[8] and *Rajinder Singh Katoch* v. *Chandigarh Admn.*[9] In view of the conflicting decisions of this Court on the issue, the said Bench, vide order dated 16-9-2008[2], referred the same to a larger Bench.

5. Ensuing compliance with the above direction, the matter pertaining to Lalita Kumari was heard by a Bench of three Judges in *Lalita Kumari* v. *State of U.P.*[10] wherein, this Court, after hearing various counsel representing the Union of India, States and Union Territories and also after adverting to all the conflicting decisions extensively, referred the matter to a Constitution Bench while concluding as under: (SCC pp. 35-36, paras 97-100)

> "*97.* We have carefully analysed various judgments delivered by this Court in the last several decades. We clearly discern divergent judicial opinions of this Court on the main issue: whether under Section 154 CrPC, a police officer is bound to register an FIR when a cognizable offence is made out or he (police officer) has an option, discretion or latitude of conducting some kind of preliminary inquiry before registering the FIR.

2 (2008) 14 SCC 337 : (2009) 2 SCC (Cri) 812
3 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426
4 (2006) 2 SCC 677 : (2006) 1 SCC (Cri) 678
5 (2007) 1 SCC 1 : (2007) 1 SCC (Cri) 193
6 (1970) 1 SCC 595 : 1970 SCC (Cri) 240
7 1981 Supp SCC 43 : 1981 SCC (Cri) 679
8 (2007) 1 SCC 630 : (2007) 1 SCC (Cri) 406
9 (2007) 10 SCC 69 : (2008) 1 SCC (Cri) 571
10 (2012) 4 SCC 1 : (2012) 2 SCC (Cri) 1

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98. The learned counsel appearing for the Union of India and different States have expressed totally divergent views even before this Court. This Court also carved out a special category in the case of medical doctors in the aforementioned cases of *Santosh Kumar*[11] and *Suresh Gupta*[12] where preliminary inquiry had been postulated before registering an FIR. Some counsel also submitted that the CBI Manual also envisages some kind of preliminary inquiry before registering the FIR.

99. The issue which has arisen for consideration in these cases is of great public importance. In view of the divergent opinions in a large number of cases decided by this Court, it has become extremely important to have a clear enunciation of law and adjudication by a larger Bench of this Court for the benefit of all concerned—the courts, the investigating agencies and the citizens.

100. Consequently, we request the Hon'ble the Chief Justice to refer these matters to a Constitution Bench of at least five Judges of this Court for an authoritative judgment."

6. Therefore, the only question before this Constitution Bench relates to the interpretation of Section 154 of the Code and incidentally to consider Sections 156 and 157 also.

7. Heard Mr S.B. Upadhyay, learned Senior Counsel for the petitioner, Mr K.V. Viswanathan, learned Additional Solicitor General for the Union of India, Mr Sidharth Luthra, learned Additional Solicitor General for the State of Chhattisgarh, Mr Shekhar Naphade, Mr R.K. Dash, Ms Vibha Datta Makhija, learned Senior Counsel for the State of Maharashtra, U.P. and M.P. respectively, Mr G. Sivabalamurugan, learned counsel for the accused, Dr Ashok Dhamija, learned counsel for CBI, Mr Kalyan Bandopadhyay, learned Senior Counsel for the State of West Bengal, Dr Manish Singhvi, learned AAG for the State of Rajasthan and Mr Sudarshan Singh Rawat.

8. In order to answer the main issue posed before this Bench, it is useful to refer to the following sections of the Code:

"**154.** ***Information in cognizable cases***.—(1) Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, 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, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf.

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

(3) 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)

11 *State of M.P.* v. *Santosh Kumar*, (2006) 6 SCC 1 : (2006) 3 SCC (Cri) 1

12 *Suresh Gupta* v. *Govt. of NCT of Delhi*, (2004) 6 SCC 422 : 2004 SCC (Cri) 1785

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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 Code, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence.

* * *

156. ***Police officer's power to investigate cognizable case***.—(1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.

(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(3) Any Magistrate empowered under Section 190 may order such an investigation as abovementioned.

157. ***Procedure for investigation***.—(1) If, from information received or otherwise, an officer in charge of a police station has reason to suspect the commission of an offence which he is empowered under Section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the State Government may, by general or special order, prescribe in this behalf, to proceed, to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender:

Provided that—

(*a*) when information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a police station need not proceed in person or depute a subordinate officer to make an investigation on the spot,

(*b*) if it appears to the officer in charge of a police station that there is no sufficient ground for entering on an investigation, he shall not investigate the case:

Provided further that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality.

(2) In each of the cases mentioned in clauses (*a*) and (*b*) of the proviso to sub-section (1), the officer in charge of the police station shall state in his report his reasons for not fully complying with the requirements of that sub-section, and, in the case mentioned in clause (*b*) of the said proviso, the officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the State Government, the fact that he will not investigate the case or cause it to be investigated."

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Contentions

9. At the foremost, ***Mr S.B. Upadhyay***, learned Senior Counsel, while explaining the conditions mentioned in Section 154 submitted that Section 154(1) is mandatory as the use of the word "shall" is indicative of the statutory intent of the legislature. He also contended that there is no discretion left to the police officer except to register an FIR. In support of the above proposition, he relied on the following decisions viz. *B. Premanand* v. *Mohan Koikal*[13], *Hiralal Rattanlal* v. *State of U.P.*[14] and *Govindlal Chhaganlal Patel* v. *Agricultural Produce Market Committee, Godhra*[15].

10. Mr Upadhyay, by further drawing our attention to the language used in Section 154(1) of the Code, contended that it merely mentions "information" without prefixing the words "reasonable" or "credible". In order to substantiate this claim, he relied on the following decisions viz. *Bhajan Lal*[3], *Ganesh Bhavan Patel* v. *State of Maharashtra*[16], *Aleque Padamsee* v. *Union of India*[17], *Ramesh Kumari*[4], *Ram Lal Narang* v. *State (Delhi Admn.)*[18] and *Lallan Chaudhary* v. *State of Bihar*[19]. Besides, he also brought to light various adverse impacts of allowing police officers to hold preliminary inquiry before registering an FIR.

11. ***Mr K.V. Viswanathan***, learned Additional Solicitor General appearing on behalf of the Union of India submitted that in all the cases where information is received under Section 154 of the Code, it is mandatory for the police to forthwith enter the same into the register maintained for the said purpose, if the same relates to commission of a cognizable offence. According to the learned ASG, the police authorities have no discretion or authority, whatsoever, to ascertain the veracity of such information before deciding to register it. He also pointed out that a police officer, who proceeds to the spot under Sections 156 and 157 of the Code, on the basis of either a cryptic information or source information, or a rumour, etc. has to immediately, on gathering information relating to the commission of a cognizable offence, send a report (ruqa) to the police station so that the same can be registered as FIR. He also highlighted the scheme of the Code relating to the registration of FIR, arrest, various protections provided to the accused and the power of the police to close investigation.

12. In support of his claim, the learned ASG relied on various decisions of this Court viz. *Bhajan Lal*[3], *Ramesh Kumari*[4] and *Aleque Padamsee*[17]. He also deliberated upon the distinguishable judgments in conflict with the

13 (2011) 4 SCC 266 : (2011) 1 SCC (L&S) 676
14 (1973) 1 SCC 216 : 1973 SCC (Tax) 307
15 (1975) 2 SCC 482
3 *State of Haryana* v. *Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426
16 (1978) 4 SCC 371 : 1979 SCC (Cri) 1
17 (2007) 6 SCC 171 : (2007) 3 SCC (Cri) 1
4 *Ramesh Kumari* v. *State (NCT of Delhi)*, (2006) 2 SCC 677 : (2006) 1 SCC (Cri) 678
18 (1979) 2 SCC 322 : 1979 SCC (Cri) 479
19 (2006) 12 SCC 229 : (2007) 1 SCC (Cri) 684

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mandatory proposition viz. *State of U.P.* v. *Bhagwant Kishore Joshi*[20], *P. Sirajuddin*[6], *Sevi*[7], *Shashikant*[8], *Rajinder Singh Katoch*[9] and *Jacob Mathew* v. *State of Punjab*[21]. He concluded his arguments by saying that: (*Bhajan Lal case*[3], SCC p. 355, para 33)

> "*33.* ... if any information disclosing a cognizable offence is laid before an officer in charge of a police station satisfying the requirements of Section 154(1) of the Code, the said police officer has no other option except to enter the substance thereof in the prescribed form, that is to say, to register a case on the basis of such information."

Further, he emphasised upon various safeguards provided under the Code against filing a false case.

13. ***Dr Ashok Dhamija***, learned counsel for CBI, submitted that the use of the word "shall" under Section 154(1) of the Code clearly mandates that if the information given to a police officer relates to the commission of a cognizable offence, then it is mandatory for him to register the offence. According to the learned counsel, in such circumstances, there is no option or discretion given to the police. He further contended that the word "shall" clearly implies a mandate and is unmistakably indicative of the statutory intent. What is necessary, according to him, is only that the information given to the police must disclose commission of a cognizable offence. He also contended that Section 154 of the Code uses the word "information" *simpliciter* and does not use the qualified words such as "credible information" or "reasonable complaint". Thus, the intention of Parliament is unequivocally clear from the language employed that a mere information relating to commission of a cognizable offence is sufficient to register an FIR. He also relied on *Bhajan Lal*[3], *Ramesh Kumari*[4], *Aleque Padamsee*[17], *Lallan Chaudhary*[19], *CBI* v. *Tapan Kumar Singh*[22], *Hiralal Rattanlal*[14], *B. Premanand*[13], *Khub Chand* v. *State of Rajasthan*[23], *P. Sirajuddin*[6], *Rajinder Singh Katoch*[9], *Bhagwant Kishore Joshi*[20] and *State of W.B.* v. *Committee for Protection of Democratic Rights*[24]. He also pointed out various safeguards provided in the Code against filing a false case.

20 AIR 1964 SC 221 : (1964) 1 Cri LJ 140 : (1964) 3 SCR 71
6 *P. Sirajuddin* v. *State of Madras*, (1970) 1 SCC 595 : 1970 SCC (Cri) 240
7 *Sevi* v. *State of T.N.*, 1981 Supp SCC 43 : 1981 SCC (Cri) 679
8 *Shashikant* v. *CBI*, (2007) 1 SCC 630 : (2007) 1 SCC (Cri) 406
9 *Rajinder Singh Katoch* v. *Chandigarh Admn.*, (2007) 10 SCC 69 : (2008) 1 SCC (Cri) 571
21 (2005) 6 SCC 1 : 2005 SCC (Cri) 1369
3 *State of Haryana* v. *Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426
4 *Ramesh Kumari* v. *State (NCT of Delhi)*, (2006) 2 SCC 677 : (2006) 1 SCC (Cri) 678
17 *Aleque Padamsee* v. *Union of India*, (2007) 6 SCC 171 : (2007) 3 SCC (Cri) 1
19 *Lallan Chaudhary* v. *State of Bihar*, (2006) 12 SCC 229 : (2007) 1 SCC (Cri) 684
22 (2003) 6 SCC 175 : 2003 SCC (Cri) 1305
14 *Hiralal Rattanlal* v. *State of U.P.*, (1973) 1 SCC 216 : 1973 SCC (Tax) 307
13 *B. Premanand* v. *Mohan Koikal*, (2011) 4 SCC 266 : (2011) 1 SCC (L&S) 676
23 AIR 1967 SC 1074
24 (2010) 3 SCC 571 : (2010) 2 SCC (Cri) 401

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14. In the end, the learned counsel concluded by reiterating that the registration of the FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation. Further, he also clarified that the preliminary inquiry conducted by CBI, under certain situations, as provided under the CBI Crime Manual, stands on a different footing due to the special provisions relating to CBI contained in the Delhi Special Police Establishment Act, 1946, which is saved under Sections 4(2) and 5 of the Code.

15. ***Mr Kalyan Bandopadhyay***, learned Senior Counsel appearing on behalf of the State of West Bengal, submitted that whenever any information relating to commission of a cognizable offence is received, it is the duty of the officer in charge of a police station to record the same and a copy of such information, shall be given forthwith, free of cost, to the informant under Section 154(2) of the Code. According to him, a police officer has no other alternative but to record the information in relation to a cognizable offence in the first instance. He also highlighted various subsequent steps to be followed by the police officer pursuant to the registration of an FIR. With regard to the scope of Section 154 of the Code, he relied on *H.N. Rishbud* v. *State of Delhi*[25], *Bhajan Lal*[3], *S.N. Sharma* v. *Bipen Kumar Tiwari*[26], *Union of India* v. *Prakash P. Hinduja*[27], *Sk. Hasib* v. *State of Bihar*[28], *Shashikant*[8], *Ashok Kumar Todi* v. *Kishwar Jahan*[29], *Padma Sundara Rao* v. *State of T.N.*[30], *P. Sirajuddin*[6], *Rajinder Singh Katoch*[9], *Bhagwant Kishore Joshi*[20] and *Mannalal Khatic* v. *State*[31].

16. ***Dr Manish Singhvi***, learned Additional Advocate General for the State of Rajasthan, submitted that Section 154(1) of the Code mandates compulsory registration of FIR. He also highlighted various safeguards inbuilt in the Code for lodging of false FIRs. He also pointed out that the only exception relates to cases arising under the Prevention of Corruption Act as, in those cases, sanction is necessary before taking cognizance by the Magistrates and the public servants are accorded some kind of protection so that vexatious cases cannot be filed to harass them.

25 AIR 1955 SC 196 : 1955 Cri LJ 526
3 *State of Haryana* v. *Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426
26 (1970) 1 SCC 653 : 1970 SCC (Cri) 258
27 (2003) 6 SCC 195 : 2003 SCC (Cri) 1314
28 (1972) 4 SCC 773
8 *Shashikant* v. *CBI*, (2007) 1 SCC 630 : (2007) 1 SCC (Cri) 406
29 (2011) 3 SCC 758 : (2011) 2 SCC (Cri) 75
30 (2002) 3 SCC 533
6 *P. Sirajuddin* v. *State of Madras*, (1970) 1 SCC 595 : 1970 SCC (Cri) 240
9 *Rajinder Singh Katoch* v. *Chandigarh Admn.*, (2007) 10 SCC 69 : (2008) 1 SCC (Cri) 571
20 *State of U.P.* v. *Bhagwant Kishore Joshi*, AIR 1964 SC 221 : (1964) 1 Cri LJ 140 : (1964) 3 SCR 71
31 AIR 1967 Cal 478

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17. ***Mr G. Sivabalamurugan***, learned counsel for the appellant in Criminal Appeal No. 1410 of 2011, after tracing the earlier history viz. the relevant provisions in the Codes of Criminal Procedure of 1861, 1872, 1882 and 1898 stressed as to why the compulsory registration of FIR is mandatory. He also highlighted the recommendations of the Report of the 41st Law Commission and insertion of Section 13 of the Criminal Law (Amendment) Act, 2013 with effect from 3-2-2013.

18. ***Mr R.K. Dash***, learned Senior Counsel appearing for the State of Uttar Pradesh, though initially commenced his arguments by asserting that in order to check unnecessary harassment to innocent persons at the behest of unscrupulous complainants, it is desirable that a preliminary inquiry into the allegations should precede the registration of FIR but subsequently after considering the salient features of the Code, various provisions like Sections 2(4)(*h*), 156(1), 202(1), 164 and various provisions of the U.P. Police Regulations, the learned Senior Counsel contended that in no case recording of FIR should be deferred till verification of its truth or otherwise in case of information relating to a cognizable offence. In addition to the same, he also relied on various pronouncements of this Court, such as, *Mohindro* v. *State of Punjab*[32], *Ramesh Kumari*[4], *Bhajan Lal*[3], *Parkash Singh Badal*[5], *Munna Lal* v. *State of H.P.*[33], *Giridhari Lal Kanak* v. *State*[34] and *Katteri Moideen Kutty Haji* v. *State of Kerala*[35]. Finally, he concluded that when the statutory provisions, as envisaged in Chapter XII of the Code, are clear and unambiguous, it would not be legally permissible to allow the police to make a preliminary inquiry into the allegations before registering an FIR under Section 154 of the Code.

19. ***Mr Sidharth Luthra***, learned Additional Solicitor General appearing for the State of Chhattisgarh, commenced his arguments by emphasising the scope of reference before the Constitution Bench. Subsequently, he elaborated on various judgments which held that an investigating officer, on receiving information of commission of a cognizable offence under Section 154 of the Code, has power to conduct preliminary inquiry before registration of FIR viz. *Bhagwant Kishore Joshi*[20], *P. Sirajuddin*[6], *Sevi*[7] and *Rajinder Singh Katoch*[9]. Concurrently, he also brought to our notice the following decisions viz. *Bhajan Lal*[3], *Ramesh Kumari*[4], *Parkash Singh Badal*[5] and

32 (2001) 9 SCC 581 : 2002 SCC (Cri) 1087
4 *Ramesh Kumari* v. *State (NCT of Delhi)*, (2006) 2 SCC 677 : (2006) 1 SCC (Cri) 678
3 *State of Haryana* v. *Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426
5 *Parkash Singh Badal* v. *State of Punjab*, (2007) 1 SCC 1 : (2007) 1 SCC (Cri) 193
33 1992 Cri LJ 1558 (HP)
34 2002 Cri LJ 2113 (MP)
35 (2002) 3 Crimes 143 (Ker)
20 *State of U.P.* v. *Bhagwant Kishore Joshi*, AIR 1964 SC 221 : (1964) 1 Cri LJ 140 : (1964) 3 SCR 71
6 *P. Sirajuddin* v. *State of Madras*, (1970) 1 SCC 595 : 1970 SCC (Cri) 240
7 *Sevi* v. *State of T.N.*, 1981 Supp SCC 43 : 1981 SCC (Cri) 679
9 *Rajinder Singh Katoch* v. *Chandigarh Admn.*, (2007) 10 SCC 69 : (2008) 1 SCC (Cri) 571

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Aleque Padamsee[17], which held that a police officer is duty-bound to register an FIR, upon receipt of the information disclosing commission of a cognizable offence and the power of preliminary inquiry does not exist under the mandate of Section 154.

20. The learned ASG Mr Luthra has put forth a comparative analysis of Section 154 of the Codes of Criminal Procedure of 1898 and of 1973. He also highlighted that every activity which occurs in a police station [Section 2(*s*)] is entered in a diary maintained at the police station which may be called as the General Diary, Station Diary or Daily Diary. He underlined the relevance of General Diary by referring to various judicial decisions such as *Tapan Kumar Singh*[22], *Subbaratnam, In re*[36]. He further pointed out that, presently, throughout the country, in matrimonial, commercial, medical negligence and corruption related offences, there exist provisions for conducting an inquiry or preliminary inquiry by the police, without/before registering an FIR under Section 154 of the Code. He also brought to our notice various police rules prevailing in the States of Punjab, Rajasthan, U.P., Madhya Pradesh, Kolkata, Bombay, etc., for conducting an inquiry before registering an FIR. Besides, he also attempted to draw an inference from the Crime Manual of CBI to highlight that a preliminary inquiry before registering a case is permissible and legitimate in the eye of the law. Adverting to the above contentions, he concluded by pleading that preliminary inquiry before registration of an FIR should be held permissible. Further, he emphasised that the power to carry out an inquiry or preliminary inquiry by the police, which precedes the registration of FIR will eliminate the misuse of the process, as the registration of FIR serves as an impediment against a person for various important activities like applying for a job or a passport, etc.

21. The learned ASG Mr Luthra further requested this Court to frame guidelines for certain category of cases in which preliminary inquiry should be made.

22. ***Mr Shekhar Naphade***, learned Senior Counsel appearing on behalf of the State of Maharashtra, submitted that ordinarily the Station House Officer (SHO) should record an FIR upon receiving a complaint disclosing the ingredients of a cognizable offence, but in certain situations, in case of doubt about the correctness or credibility of the information, he should have the discretion of holding a preliminary inquiry and thereafter, if he is satisfied that there is a prima facie case for investigation, register the FIR. A mandatory duty of registering FIR should not be cast upon him. According to him, this interpretation would harmonise two extreme positions viz. the proposition that the moment the complaint disclosing ingredients of a cognizable offence is lodged, the police officer must register an FIR without any scrutiny whatsoever is an extreme proposition and is contrary to the

17 *Aleque Padamsee* v. *Union of India*, (2007) 6 SCC 171 : (2007) 3 SCC (Cri) 1
22 *CBI* v. *Tapan Kumar Singh*, (2003) 6 SCC 175 : 2003 SCC (Cri) 1305
36 AIR 1949 Mad 663

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mandate of Article 21 of the Constitution of India, similarly, the other extreme point of view is that the police officer must investigate the case substantially before registering an FIR. Accordingly, he pointed out that both must be rejected and a middle path must be chosen.

23. The learned Senior Counsel also submitted that the following judgments viz. *Bhajan Lal*[3], *Ramesh Kumari*[4], *Parkash Singh Badal*[5] and *Aleque Padamsee*[17] wherein it has been held that if a complaint alleging commission of a cognizable offence is received in the police station, then the SHO has no other option but to register an FIR under Section 154 of the Code. According to the learned Senior Counsel, these verdicts require reconsideration as they have interpreted Section 154 dehors the other provisions of the Code and have failed to consider the impact of Article 21 on Section 154 of the Code.

24. Alongside, the learned Senior Counsel Mr Naphade pointed out the following decisions viz. *Rajinder Singh Katoch*[9], *P. Sirajuddin*[6], *Bhagwant Kishore Joshi*[20] and *Sevi*[7], which hold that before registering an FIR under Section 154 of the Code, it is open to the police officer to hold a preliminary inquiry to ascertain whether there is a prima facie case of commission of a cognizable offence or not. According to the learned Senior Counsel, Section 154 of the Code forms part of a chain of statutory provisions relating to investigation and, therefore, the scheme of provisions of Sections 41, 157, 167, 169, etc., must have a bearing on the interpretation of Section 154. In addition, he emphasised that giving a literal interpretation would reduce the registration of FIR to a mechanical act.

25. Parallelly, the learned Senior Counsel underscored the impact of Article 21 on Section 154 of the Code by referring to *Maneka Gandhi* v. *Union of India*[37], wherein this Court has applied Article 21 to several provisions relating to criminal law. This Court has also stated that the expression "law" contained in Article 21 necessarily postulates law which is reasonable and not merely statutory provisions irrespective of its reasonableness or otherwise. The learned Senior Counsel pleaded that in the light of Article 21, provisions of Section 154 of the Code must be read down to mean that before registering an FIR, the police officer must be satisfied that there is a prima facie case for investigation. He also emphasised that Section 154 contains implied power of the police officer to hold preliminary inquiry if he bona fide possess serious doubts about the credibility of the information given to him. By pointing out the Criminal Law (Amendment)

3 *State of Haryana* v. *Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426
4 *Ramesh Kumari* v. *State (NCT of Delhi)*, (2006) 2 SCC 677 : (2006) 1 SCC (Cri) 678
5 *Parkash Singh Badal* v. *State of Punjab*, (2007) 1 SCC 1 : (2007) 1 SCC (Cri) 193
17 *Aleque Padamsee* v. *Union of India*, (2007) 6 SCC 171 : (2007) 3 SCC (Cri) 1
9 *Rajinder Singh Katoch* v. *Chandigarh Admn.*, (2007) 10 SCC 69 : (2008) 1 SCC (Cri) 571
6 *P. Sirajuddin* v. *State of Madras*, (1970) 1 SCC 595 : 1970 SCC (Cri) 240
20 *State of U.P.* v. *Bhagwant Kishore Joshi*, AIR 1964 SC 221 : (1964) 1 Cri LJ 140 : (1964) 3 SCR 71
7 *Sevi* v. *State of T.N.*, 1981 Supp SCC 43 : 1981 SCC (Cri) 679
37 (1978) 1 SCC 248

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Act, 2013, particularly, Section 166-A, Mr Naphade contended that as far as other cognizable offences (apart from those mentioned in Section 166-A) are concerned, the police has a discretion to hold preliminary inquiry if there is some doubt about the correctness of the information.

26. In case of allegations relating to medical negligence on the part of the doctors, it is pointed out by drawing our attention to some of the decisions of this Court viz. *Tapan Kumar Singh*[22], *Jacob Mathew*[21], etc. that no medical professional should be prosecuted merely on the basis of the allegations in the complaint. By pointing out various decisions, Mr Naphade emphasised that in appropriate cases, it would be proper for a police officer, on receipt of a complaint of a cognizable offence, to satisfy himself that at least prima facie allegations levelled against the accused in the complaint are credible. He also contended that no single provision of a statute can be read and interpreted in isolation, but the statute must be read as a whole. Accordingly, he prayed that the provisions of Sections 41, 57, 156, 157, 159, 167, 190, 200 and 202 of the Code must be read together.

27. Mr Naphade also pointed out that Section 154(3) of the Code enables any complainant whose complaint is not registered as an FIR by the officer in charge of the police station to approach the higher police officer for the purpose of getting his complaint registered as an FIR and in such a case, the higher police officer has all the powers of recording an FIR and directing investigation into the matter. In addition to the remedy available to an aggrieved person of approaching higher police officer, he can also move the Magistrate concerned by making a complaint under Section 190 thereof. He further emphasised that the fact that the legislature has provided adequate remedies against refusal to register FIR and to hold investigation in cognizable offences, is indicative of the legislative intent that the police officer is not bound to record FIR merely because the ingredients of a cognizable offence are disclosed in the complaint, if he has doubts about the veracity of the complaint. He also pointed out that the word "shall" used in the statute does not always mean absence of any discretion in the matter. For the said proposition, he also highlighted that this Court has preferred the rule of purposive interpretation to the rule of literal interpretation for which he relied on *Board of Mining Examination* v. *Ramjee*[38], *Lalit Mohan Pandey* v. *Pooran Singh*[39] and *Prativa Bose* v. *Kumar Rupendra Deb Raikat*[40].

28. Mr Naphade further pointed out that it is impossible to put the provisions of Section 154 of the Code in a straitjacket formula. He also prayed for framing of some guidelines as regards registration or non-registration of FIR. Finally, he pointed out that the requirement of Article 21 is that the procedure should be fair and just. According to him, if the police

22 *CBI* v. *Tapan Kumar Singh*, (2003) 6 SCC 175 : 2003 SCC (Cri) 1305
21 *Jacob Mathew* v. *State of Punjab*, (2005) 6 SCC 1 : 2005 SCC (Cri) 1369
38 (1977) 2 SCC 256 : 1977 SCC (L&S) 226
39 (2004) 6 SCC 626
40 AIR 1965 SC 540 : (1964) 4 SCR 69

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officer has doubts in the matter, it is imperative that he should have the discretion of holding a preliminary inquiry in the matter. If he is debarred from holding such a preliminary inquiry, the procedure would then suffer from the vice of arbitrariness and unreasonableness. Thus, he concluded his arguments by pleading that Section 154 of the Code must be interpreted in the light of Article 21.

29. ***Ms Vibha Datta Makhija***, learned Senior Counsel appearing for the State of Madhya Pradesh submitted that a plain reading of Section 154 and other provisions of the Code shows that it may not be mandatory but is absolutely obligatory on the part of the police officer to register an FIR prior to taking any steps or conducting investigation into a cognizable offence. She further pointed out that after receiving the first information of an offence and prior to the registration of the said report (whether oral or written) in the first information book maintained at the police station under various State Government regulations, only some preliminary inquiry or investigative steps are permissible under the statutory framework of the Code to the extent as is justifiable and is within the window of statutory discretion granted strictly for the purpose of ascertaining whether there has been a commission or not of a cognizable offence. Hence, an investigation, culminating into a final report under Section 173 of the Code, cannot be called into question and be quashed due to the reason that a part of the inquiry, investigation or steps taken during investigation are conducted after receiving the first information but prior to registering the same unless it is found that the said investigation is unfair, illegal, mala fide and has resulted in grave prejudice to the right of the accused to fair investigation. In support of the above contentions, she traced the earlier provisions of the Code and current statutory framework viz. the Criminal Law (Amendment) Act, 2013 with reference to various decisions of this Court. She concluded that Section 154 of the Code leaves no area of doubt that where a cognizable offence is disclosed, there is no discretion on the part of the police to record or not to record the said information, however, it may differ from case to case.

30. The issues before the Constitution Bench of this Court arise out of two main conflicting areas of concern viz.:

30.1. (*i*) Whether the immediate non-registration of FIR leads to scope for manipulation by the police which affects the right of the victim/complainant to have a complaint immediately investigated upon allegations being made; and

30.2. (*ii*) Whether in cases where the complaint/information does not clearly disclose the commission of a cognizable offence but the FIR is compulsorily registered then does it infringe the rights of an accused.

Discussion

31. The FIR is a pertinent document in the criminal law procedure of our country and its main object from the point of view of the informant is to set the criminal law in motion and from the point of view of the investigating authorities is to obtain information about the alleged criminal activity so as to be able to take suitable steps to trace and to bring to book the guilty.

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32. Historical experience has thrown up cases from both the sides where the grievance of the victim/informant of non-registration of valid FIRs as well as that of the accused of being unnecessarily harassed and investigated upon false charges have been found to be correct.

33. An example of the first category of cases is found in *State of Maharashtra* v. *Sarangdharsingh Shivdassingh Chavan*[41] wherein a writ petition was filed challenging the order of the Collector in the District of Buldhana directing not to register any crime against Mr Gokulchand Sananda, without obtaining clearance from the District Anti-Moneylending Committee and the District Government Pleader. From the record, it was revealed that out of 74 cases, only in seven cases, charge-sheets were filed alleging illegal moneylending. This Court found that upon instructions given by the Chief Minister to the District Collector, there was no registration of FIR of the poor farmers. In these circumstances, this Court held the said instructions to be ultra vires and quashed the same. It is argued that cases like above exhibit the mandatory character of Section 154, and if it is held otherwise, it shall lead to grave injustice.

34. In *Aleque Padamsee*[17], while dealing with the issue whether it is within the powers of courts to issue a writ directing the police to register a first information report in a case where it was alleged that the accused had made speeches likely to disturb communal harmony, this Court held that: (SCC p. 175, para 7)

> "7. … the police officials ought to register the FIR whenever facts brought to their notice show that a cognizable offence has been made out. In case the police officials fail to do so, the modalities to be adopted are as set out in Section 190 read with Section 200 of the Code."

As such, the Code itself provides several checks for refusal on the part of the police authorities under Section 154 of the Code.

35. However, on the other hand, there are a number of cases which exhibit that there are instances where the power of the police to register an FIR and initiate an investigation thereto are misused where a cognizable offence is not made out from the contents of the complaint. A significant case in this context is the case of *Preeti Gupta* v. *State of Jharkhand*[42] wherein this Court has expressed its anxiety over misuse of Section 498-A of the Penal Code, 1860 (in short "IPC") with respect to which a large number of frivolous reports were lodged. This Court expressed its desire that the legislature must take into consideration the informed public opinion and the pragmatic realities to make necessary changes in law.

36. The abovesaid judgment resulted in the 243rd Report of the Law Commission of India submitted on 30-8-2012. The Law Commission, in its report, concluded that though the offence under Section 498-A could be made compoundable, however, the extent of misuse was not established by

41 (2011) 1 SCC 577 : (2011) 1 SCC (Cri) 477
17 *Aleque Padamsee* v. *Union of India*, (2007) 6 SCC 171 : (2007) 3 SCC (Cri) 1
42 (2010) 7 SCC 667 : (2010) 3 SCC (Cri) 473

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empirical data, and, thus, could not be a ground to denude the provision of its efficacy. The Law Commission also observed that the law on the question whether the registration of FIR could be postponed for a reasonable time is in a state of uncertainty and can be crystallised only upon this Court putting at rest the present controversy.

37. In order to arrive at a conclusion in the light of divergent views on the point and also to answer the above contentions, it is pertinent to have a look at the historical background of the section and corresponding provisions that existed in the previous enactments of the Code of Criminal Procedure:

Code of Criminal Procedure, 1861

37.1. "**139.** ***Complaint, etc., to be in writing***.—Every complaint or information preferred to an officer in charge of a police station, shall be reduced into writing, and the substance thereof shall be entered in a diary to be kept by such officer, in such form as shall be prescribed by the local Government."

Code of Criminal Procedure, 1872

37.2. "**112.** ***Complaint to police to be in writing***.—Every complaint preferred to an officer in charge of a police station, shall be reduced into writing, and shall be signed, sealed, or marked by the person making it, and the substance thereof shall be entered in a book to be kept by such officer in the form prescribed by the local Government."

Code of Criminal Procedure, 1882

37.3. "**154.** Every information relating to the commission of a cognizable offence if given orally to an officer in charge of a police station, 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, and the substance thereof shall be entered in a book to be kept by such form as the Government may prescribe in this behalf."

Code of Criminal Procedure, 1898

37.4. "**154.** ***Information in cognizable cases***.—Every information relating to the commission of a cognizable offence if given orally to an officer in charge of a police station, 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, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf."

Code of Criminal Procedure, 1973

37.5. "**154.** ***Information in cognizable cases***.—(1) Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, 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, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf.

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Provided that if the information is given by the woman against whom an offence under Sections 326-A, 326-B, 354, 354-A, 354-B, 354-C, 354-D, 376, 376-A, 376-B, 376-C, 376-D, 376-E or Section 509 of the Indian Penal Code (45 of 1860) 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 Sections 354, 354-A, 354-B, 354-C, 354-D, 376, 376-A, 376-B, 376-C, 376-D, 376-E or Section 509 of the Indian Penal Code (45 of 1860) 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 Judicial Magistrate under clause (*a*) of sub-section (5-A) of Section 164 as soon as possible.

[*Inserted by Section 13 of the Criminal Law (Amendment) Act, 2013 w.e.f. 3-2-2013.*]

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

(3) 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 Code, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence."

37.6. A perusal of the abovesaid provisions manifests the legislative intent in both old Codes and the new Code for compulsory registration of FIR in a case of cognizable offence without conducting any preliminary inquiry.

38. The precursor to the present Code of 1973 is the Code of 1898 wherein substantial changes were made in the powers and procedure of the police to investigate. The starting point of the powers of police was changed from the power of the officer in charge of a police station to investigate into a cognizable offence without the order of a Magistrate, to the reduction of the first information regarding commission of a cognizable offence, whether received orally or in writing, into writing and into the book separately prescribed by the Provincial Government for recording such first information. As such, a significant change that took place by way of the 1898 Code was with respect to the placement of Section 154 i.e. the provision

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imposing requirement of recording the first information regarding commission of a cognizable offence in the special book prior to Section 156 i.e. the provision empowering the police officer to investigate a cognizable offence. As such, the objective of such placement of provisions was clear which was to ensure that the recording of the first information should be the starting point of any investigation by the police. In the interest of expediency of investigation since there was no safeguard of obtaining permission from the Magistrate to commence an investigation, the said procedure of recording first information in their books along with the signature/seal of the informant, would act as an "extremely valuable safeguard" against the excessive, mala fide and illegal exercise of the investigative powers by the police.

39. The provisions contained in Chapter XII of the Code deal with information to the police and their powers to investigate. The said Chapter sets out the procedure to be followed during investigation. The objective to be achieved by the procedure prescribed in the said Chapter is to set the criminal law in motion and to provide for all procedural safeguards so as to ensure that the investigation is fair and is not mala fide and there is no scope of tampering with the evidence collected during the investigation.

40. In addition, Mr Shekhar Naphade, learned Senior Counsel contended that insertion of Section 166-A in IPC indicates that registration of FIR is not compulsory for all offences other than what is specified in the said section. By the Criminal Law (Amendment) Act, 2013, Section 166-A was inserted in the Penal Code which reads as under:

> "**166-A.** ***Public servant disobeying direction under law***.—Whoever, being a public servant.—
>
> (*a*) knowingly disobeys any direction of the law which prohibits him from requiring the attendance at any place of any person for the purpose of investigation into an offence or any other matter, or
>
> (*b*) knowingly disobeys, to the prejudice of any person, any other direction of the law regulating the manner in which he shall conduct such investigation, or
>
> (*c*) fails to record any information given to him under sub-section (1) of Section 154 of the Code of Criminal Procedure, 1973 (2 of 1974), in relation to cognizable offence punishable under Section 326-A, Section 326-B, Section 354, Section 354-B, Section 370, Section 370-A, Section 376, Section 376-A, Section 376-B, Section 376-C, Section 376-D, Section 376-E, Section 509,
>
> shall be punished with rigorous imprisonment for a term which shall not be less than six months but which may extend to two years, and shall also be liable to fine."

41. Section 166-A(*c*) lays down that if a public servant (police officer) fails to record any information given to him under Section 154(1) of the Code in relation to cognizable offences punishable under Sections 326-A, 326-B, 354, 354-B, 370, 370-A, 376, 376-A, 376-B, 376-C, 376-D, 376-E or Section 509, he shall be punished with rigorous imprisonment for a term which shall not be less than six months but may extend to two years and shall also be liable to fine. Thus, it is the stand of the learned counsel that this provision

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clearly indicates that registration of FIR is imperative and police officer has no discretion in the matter in respect of offences specified in the said section. Therefore, according to him, the legislature accepts that as far as other cognizable offences are concerned, the police has discretion to hold a preliminary inquiry if there is doubt about the correctness of the information.

42. Although, the argument is as persuasive as it appears, yet, we doubt whether such a presumption can be drawn in contravention of the unambiguous words employed in the said provision. Hence, insertion of Section 166-A in IPC vide Criminal Law (Amendment) Act, 2013, must be read in consonance with the provision and not contrary to it. The insertion of Section 166-A was in the light of recent unfortunate occurrence of offences against women. The intention of the legislature in putting forth this amendment was to tighten the already existing provisions to provide enhanced safeguards to women. Therefore, the legislature, after noticing the increasing crimes against women in our country, thought it appropriate to expressly punish the police officers for their failure to register FIRs in these cases. No other meaning than this can be assigned to for the insertion of the same.

43. With this background, let us discuss the submissions in the light of various decisions both in favour and against the referred issue.

Interpretation of Section 154

44. It may be mentioned in this connection that the first and foremost principle of interpretation of a statute in every system of interpretation is the literal rule of interpretation. All that we have to see at the very outset is what does the provision say? As a result, the language employed in Section 154 is the determinative factor of the legislative intent. A plain reading of Section 154(1) of the Code provides that any information relating to the commission of a cognizable offence if given orally to an officer in charge of a police station shall be reduced into writing by him or under his direction. There is no ambiguity in the language of Section 154(1) of the Code.

45. At this juncture, it is apposite to refer to the following observations of this Court in *Hiralal Rattanlal*[14] which are as under: (SCC p. 224, para 22)

> "*22.* … In construing a statutory provision, the first and the foremost rule of construction is the literary construction. All that we have to see at the very outset is what does that provision say? If the provision is unambiguous and if from that provision, the legislative intent is clear, we need not call into aid the other rules of construction of statutes. The other rules of construction of statutes are called into aid only when the legislative intention is not clear."

46. The above decision was followed by this Court in *B. Premanand*[13] and after referring to the abovesaid observations in *Hiralal Rattanlal*[14], this Court observed as under: (*B. Premanand case*[13], SCC p. 270, para 9)

> "*9.* It may be mentioned in this connection that the first and foremost principle of interpretation of a statute in every system of interpretation is

14 *Hiralal Rattanlal* v. *State of U.P.*, (1973) 1 SCC 216 : 1973 SCC (Tax) 307

13 *B. Premanand* v. *Mohan Koikal*, (2011) 4 SCC 266 : (2011) 1 SCC (L&S) 676

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the literal rule of interpretation. The other rules of interpretation e.g. the mischief rule, purposive interpretation, etc. can only be resorted to when the plain words of a statute are ambiguous or lead to no intelligible results or if read literally would nullify the very object of the statute. Where the words of a statute are absolutely clear and unambiguous, recourse cannot be had to the principles of interpretation other than the literal rule, vide *Swedish Match AB* v. *SEBI*[43]."

47. The language of Section 154(1), therefore, admits of no other construction but the literal construction.

48. The legislative intent of Section 154 is vividly elaborated in *Bhajan Lal*[3] which is as under: (SCC pp. 353-54, paras 30-33)

"*30.* The legal mandate enshrined in Section 154(1) is that every information relating to the commission of a 'cognizable offence' [as defined under Section 2(*c*) of the Code] if given orally (in which case it is to be reduced into writing) or in writing to 'an officer in charge of a police station' [within the meaning of Section 2(*o*) of the Code] and signed by the informant should be entered in a book to be kept by such officer in such form as the State Government may prescribe which form is commonly called as 'First Information Report' and which act of entering the information in the said form is known as registration of a crime or a case.

31. At the stage of registration of a crime or a case on the basis of the information disclosing a cognizable offence in compliance with the mandate of Section 154(1) of the Code, the police officer concerned cannot embark upon an inquiry as to whether the information, laid by the informant is reliable and genuine or otherwise and refuse to register a case on the ground that the information is not reliable or credible. On the other hand, the officer in charge of a police station is statutorily obliged to register a case and then to proceed with the investigation if he has reason to suspect the commission of an offence which he is empowered under Section 156 of the Code to investigate, subject to the proviso to Section 157. (As we have proposed to make a detailed discussion about the power of a police officer in the field of investigation of a cognizable offence within the ambit of Sections 156 and 157 of the Code in the ensuing part of this judgment, we do not propose to deal with those sections in extenso in the present context.) In case, an officer in charge of a police station refuses to exercise the jurisdiction vested in him and to register a case on the information of a cognizable offence reported and thereby violates the statutory duty cast upon him, the person aggrieved by such refusal can send the substance of the information in writing and by post to the Superintendent of Police concerned who if satisfied that the information forwarded to him discloses a cognizable offence, should either investigate the case himself or direct an investigation to be made

43 (2004) 11 SCC 641

3 *State of Haryana* v. *Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426

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by any police officer subordinate to him in the manner provided by sub-section (3) of Section 154 of the Code.

32. Be it noted that in Section 154(1) of the Code, the legislature in its collective wisdom has carefully and cautiously used the expression '*information*' without qualifying the same as in Section 41(1)(*a*) or (*g*) of the Code wherein the expressions, '*reasonable complaint*' and '*credible information*' are used. Evidently, the non-qualification of the word 'information' in Section 154(1) unlike in Sections 41(1)(*a*) and (*g*) of the Code may be for the reason that the police officer should not refuse to record an information relating to the commission of a cognizable offence and to register a case thereon on the ground that he is not satisfied with the reasonableness or credibility of the information. In other words, 'reasonableness' or 'credibility' of the said information is not a condition precedent for registration of a case. A comparison of the present Section 154 with those of the earlier Codes will indicate that the legislature had purposely thought it fit to employ only the word 'information' without qualifying the said word. Section 139 of the Code of Criminal Procedure, 1861 (25 of 1861) passed by the Legislative Council of India read that '*every complaint or information*' preferred to an officer in charge of a police station should be reduced into writing which provision was subsequently modified by Section 112 of the Code, 1872 (10 of 1872) which thereafter read that 'every complaint' preferred to an officer in charge of a police station shall be reduced in writing. The word 'complaint' which occurred in previous two Codes of 1861 and 1872 was deleted and in that place the word 'information' was used in the Codes of 1882 and 1898 which word is now used in Sections 154, 155, 157 and 190(*c*) of the present Code, 1973 (2 of 1974). An overall reading of all the Codes makes it clear that the condition which is sine qua non for recording a first information report is that there must be information and that information must disclose a cognizable offence.

33. It is, therefore, manifestly clear that if any information disclosing a cognizable offence is laid before an officer in charge of a police station satisfying the requirements of Section 154(1) of the Code, the said police officer has no other option except to enter the substance thereof in the prescribed form, that is to say, to register a case on the basis of such information." (emphasis in original)

49. Consequently, the condition that is sine qua non for recording an FIR under Section 154 of the Code is that there must be information and that information must disclose a cognizable offence. If any information disclosing a cognizable offence is led before an officer in charge of the police station satisfying the requirement of Section 154(1), the said police officer has no other option except to enter the substance thereof in the prescribed form, that is to say, to register a case on the basis of such information. The provision of Section 154 of the Code is mandatory and the officer concerned is duty-bound to register the case on the basis of information disclosing a cognizable

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offence. Thus, the plain words of Section 154(1) of the Code have to be given their literal meaning.

"Shall"

50. The use of the word "*shall*" in Section 154(1) of the Code clearly shows the legislative intent that it is mandatory to register an FIR if the information given to the police discloses the commission of a cognizable offence.

51. In *Khub Chand*[23], this Court observed as under: (AIR p. 1077, para 6)

> "*6.* ... The term 'shall' in its ordinary significance is mandatory and the court shall ordinarily give that interpretation to that term unless such an interpretation leads to some absurd or inconvenient consequence or be at variance with the intent of the legislature, to be collected from other parts of the Act. The construction of the said expression depends on the provisions of a particular Act, the setting in which the expression appears, the object for which the direction is given, the consequences that would flow from the infringement of the direction and such other considerations."

52. It is relevant to mention that the object of using the word "shall" in the context of Section 154(1) of the Code is to ensure that all information relating to all cognizable offences is promptly registered by the police and investigated in accordance with the provisions of law.

53. Investigation of offences and prosecution of offenders are the duties of the State. For "cognizable offences", a duty has been cast upon the police to register FIR and to conduct investigation except as otherwise permitted specifically under Section 157 of the Code. If a discretion, option or latitude is allowed to the police in the matter of registration of FIRs, it can have serious consequences on the public order situation and can also adversely affect the rights of the victims including violating their fundamental right to equality.

54. Therefore, the context in which the word "shall" appears in Section 154(1) of the Code, the object for which it has been used and the consequences that will follow from the infringement of the direction to register FIRs, all these factors clearly show that the word "shall" used in Section 154(1) needs to be given its ordinary meaning of being of "mandatory" character. The provisions of Section 154(1) of the Code, read in the light of the statutory scheme, do not admit of conferring any discretion on the officer in charge of the police station for embarking upon a preliminary inquiry prior to the registration of an FIR. It is settled position of law that if the provision is unambiguous and the legislative intent is clear, the court need not call into it any other rules of construction.

55. In view of the above, the use of the word "shall" coupled with the scheme of the Act lead to the conclusion that the legislators intended that if

23 *Khub Chand* v. *State of Rajasthan*, AIR 1967 SC 1074

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an information relating to commission of a cognizable offence is given, then it would mandatorily be registered by the officer in charge of the police station. Reading "shall" as "may", as contended by some counsel, would be against the scheme of the Code. Section 154 of the Code should be strictly construed and the word "shall" should be given its natural meaning. The golden rule of interpretation can be given a go-by only in cases where the language of the section is ambiguous and/or leads to an absurdity.

56. In view of the above, we are satisfied that Section 154(1) of the Code does not have any ambiguity in this regard and is in clear terms. It is relevant to mention that Section 39 of the Code casts a statutory duty on every person to inform about commission of certain offences which includes offences covered by Sections 121 to 126, 302, 64-A, 382, 392, etc. of the Penal Code. It would be incongruous to suggest that though it is the duty of every citizen to inform about commission of an offence, but it is not obligatory on the officer in charge of a police station to register the report. The word "shall" occurring in Section 39 of the Code has to be given the same meaning as the word "shall" occurring in Section 154(1) of the Code.

"Book"/"Diary"

57. It is contented by the learned ASG appearing for the State of Chhattisgarh that the recording of first information under Section 154 in the "book" is subsequent to the entry in the General Diary/Station Diary/Daily Diary, which is maintained in the police station. Therefore, according to the learned ASG, first information is a document at the earliest in the General Diary, then if any preliminary inquiry is needed the police officer may conduct the same and thereafter the information will be registered as FIR. This interpretation is wholly unfounded. The first information report is in fact the "information" that is received first in point of time, which is either given in writing or is reduced to writing. It is not the "substance" of it, which is to be entered in the diary prescribed by the State Government. The term "General Diary" (also called as "Station Diary" or "Daily Diary" in some States) is maintained not under Section 154 of the Code but under the provisions of Section 44 of the Police Act, 1861 in the States to which it applies, or under the respective provisions of the Police Act(s) applicable to a State or under the Police Manual of a State, as the case may be.

58. Section 44 of the Police Act, 1861 is reproduced below:

> "**44.** ***Police officers to keep diary***.—It shall be the duty of every officer in charge of a police station to keep a General Diary in such form as shall, from time to time, be prescribed by the State Government and to record therein all complaints and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witnesses who shall have been examined.
>
> The Magistrate of the district shall be at liberty to call for and inspect such diary."

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59. It is pertinent to note that during the year 1861, when the aforesaid Police Act, 1861 was passed, the Code of Criminal Procedure, 1861 was also passed. Section 139 of that Code dealt with registration of FIR and this section has also referred to the word "diary", as can be seen from the language of this section, as reproduced below:

> "**139.** ***Complaint, etc., to be in writing***.—Every complaint or information preferred to an officer in charge of a police station, shall be reduced into writing, and the substance thereof shall be entered in a *diary* to be kept by such officer, in such form as shall be prescribed by the local Government." (emphasis supplied)

Thus, the Police Act, 1861 and the Code of Criminal Procedure, 1861, both of which were passed in the same year, used the same word "diary".

60. However, in the year 1872, a new Code came to be passed which was called the Code of Criminal Procedure, 1872. Section 112 of the Code dealt with the issue of registration of FIR and is reproduced below:

> "**112.** ***Complaint to police to be in writing***.—Every complaint preferred to an officer in charge of a police station shall be reduced into writing, and shall be signed, sealed, or marked by the person making it, and the substance thereof shall be entered in a *book* to be kept by such officer in the form prescribed by the local Government."

It is, thus, clear that in the Code of Criminal Procedure, 1872, a departure was made and the word "book" was used in place of "diary". The word "book" clearly referred to the FIR book to be maintained under the Code for the registration of FIRs.

61. The question that whether the FIR is to be recorded in the FIR book or in the General Diary, is no more res integra. This issue has already been decided authoritatively by this Court.

62. In *Madhu Bala* v. *Suresh Kumar*[44], this Court has held that FIR must be registered in the FIR register which shall be a book consisting of 200 pages. It is true that the substance of the information is also to be mentioned in the Daily Diary (or the General Diary). But, the basic requirement is to register the FIR in the FIR book or register. Even in *Bhajan Lal*[3], this Court held that FIR has to be entered in a book in a form which is commonly called the first information report.

63. It is thus clear that registration of FIR is to be done in a book called FIR book or FIR register. Of course, in addition, the gist of the FIR or the substance of the FIR may also be mentioned simultaneously in the General Diary as mandated in the respective Police Act or Rules, as the case may be, under the relevant State provisions.

64. The General Diary is a record of all important transactions/events taking place in a police station, including departure and arrival of police staff, handing over or taking over of charge, arrest of a person, details of law and order duties, visit of senior officers, etc. It is in this context that gist or

44 (1997) 8 SCC 476 : 1998 SCC (Cri) 111

3 *State of Haryana* v. *Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426

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substance of each FIR being registered in the police station is also mentioned in the General Diary since registration of FIR also happens to be a very important event in the police station. Since General Diary is a record that is maintained chronologically on day-to-day basis (on each day, starting with new number 1), the General Diary entry reference is also mentioned simultaneously in the FIR book, while FIR number is mentioned in the General Diary entry since both of these are prepared simultaneously.

65. It is relevant to point out that FIR book is maintained with its number given on an annual basis. This means that each FIR has a unique annual number given to it. This is on similar lines as the case numbers given in courts. Due to this reason, it is possible to keep a strict control and track over the registration of FIRs by the supervisory police officers and by the courts, wherever necessary. Copy of each FIR is sent to the superior officers and to the Judicial Magistrate concerned.

66. On the other hand, General Diary contains a huge number of other details of the proceedings of each day. Copy of General Diary is not sent to the Judicial Magistrate having jurisdiction over the police station, though its copy is sent to a superior police officer. Thus, it is not possible to keep strict control of each and every FIR recorded in the General Diary by the superior police officers and/or the court in view of enormous amount of other details mentioned therein and the numbers changing every day.

67. The signature of the complainant is obtained in the FIR book as and when the complaint is given to the police station. On the other hand, there is no such requirement of obtaining signature of the complainant in the General Diary. Moreover, at times, the complaint given may consist of large number of pages, in which case it is only the gist of the complaint which is to be recorded in the General Diary and not the full complaint. This does not fit in with the suggestion that what is recorded in the General Diary should be considered to be the fulfilment/compliance with the requirement of Section 154 of registration of FIR. In fact, the usual practice is to record the complete complaint in the FIR book (or annex it with the FIR form) but record only about one or two paragraphs (gist of the information) in the General Diary.

68. In view of the above, it is useful to point out that the Code was enacted under Entry 2 of the Concurrent List of the Seventh Schedule to the Constitution which is reproduced below:

> "**2.** Criminal procedure, including all matters included in the Code of Criminal Procedure at the commencement of this Constitution."

On the other hand, the Police Act, 1861 (or other similar Acts in respective States) were enacted under Entry 2 of the State List of the Seventh Schedule to the Constitution, which is reproduced below:

> "**2.** Police (including railway and village police) subject to the provisions of Entry 2-A of List I."

69. Now, at this juncture, it is pertinent to refer to Article 254(1) of the Constitution, which lays down the provisions relating to inconsistencies

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between the laws made by Parliament and the State Legislatures. Article 254(1) is reproduced as under:

> "**254.** ***Inconsistency between laws made by Parliament and laws made by the legislatures of States***.—(1) If any provision of a law made by the legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the legislature of the State shall, to the extent of the repugnancy, be void."

Thus it is clear from the mandate of Article 254(1) of the Constitution that if there is any inconsistency between the provisions of the Code and the Police Act, 1861, the provisions of the Code will prevail and the provisions of the Police Act would be void to the extent of the repugnancy.

70. If at all, there is any inconsistency in the provisions of Section 154 of the Code and Section 44 of the Police Act, 1861, with regard to the fact as to whether the FIR is to be registered in the FIR book or in the General Diary, the provisions of Section 154 of the Code will prevail and the provisions of Section 44 of the Police Act, 1861 (or similar provisions of the respective corresponding Police Act or Rules in other respective States) shall be void to the extent of the repugnancy. Thus, FIR is to be recorded in the FIR book, as mandated under Section 154 of the Code, and it is not correct to state that information will be first recorded in the General Diary and only after preliminary inquiry, if required, the information will be registered as FIR.

71. However, this Court in *Tapan Kumar Singh*[22], held that a GD entry may be treated as first information in an appropriate case, where it discloses the commission of a cognizable offence. It was held as under: (SCC pp. 182-83, paras 15-16 & 19)

> "*15*. It is the correctness of this finding which is assailed before us by the appellants. They contend that the information recorded in the GD entry does disclose the commission of a cognizable offence. They submitted that even if their contention, that after recording the GD entry only a preliminary inquiry was made, is not accepted, they are still entitled to sustain the legality of the investigation on the basis that the GD entry may be treated as a first information report, since it disclosed the commission of a cognizable offence.
>
> *16*. The parties before us did not dispute the legal position that a GD entry may be treated as a first information report in an appropriate case, where it discloses the commission of a cognizable offence. If the contention of the appellants is upheld, the order of the High Court must be set aside because if there was in law a first information report disclosing the commission of a cognizable offence, the police had the power and jurisdiction to investigate, and in the process of investigation

22 *CBI* v. *Tapan Kumar Singh*, (2003) 6 SCC 175 : 2003 SCC (Cri) 1305

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to conduct search and seizure. It is, therefore, not necessary for us to consider the authorities cited at the Bar on the question of validity of the preliminary inquiry and the validity of the search and seizure.

* * *

19. The High Court fell into an error in thinking that the information received by the police could not be treated as a first information report since the allegation was vague inasmuch as it was not stated from whom the sum of rupees one lakh was demanded and accepted. Nor was it stated that such demand or acceptance was made as motive or reward for doing or forbearing to do any official act, or for showing or forbearing to show in exercise of his official function, favour or disfavour to any person or for rendering, attempting to render any service or disservice to any person. Thus there was no basis for a police officer to suspect the commission of an offence which he was empowered under Section 156 of the Code to investigate."

72. It is thus unequivocally clear that registration of FIR is mandatory and also that it is to be recorded in the FIR book by giving a unique annual number to each FIR to enable strict tracking of each and every registered FIR by the superior police officers as well as by the competent court to which copies of each FIR are required to be sent.

"Information"

73. The legislature has consciously used the expression "information" in Section 154(1) of the Code as against the expression used in Sections 41(1)(*a*)* and (*g*) where the expression used for arresting a person without warrant is "reasonable complaint" or "credible information". The expression under Section 154(1) of the Code is not qualified by the prefix "reasonable" or "credible". The non-qualification of the word "information" in Section 154(1) unlike in Sections 41(1)(*a*)* and (*g*) of the Code is for the reason that the police officer should not refuse to record any information relating to the commission of a cognizable offence on the ground that he is not satisfied with the reasonableness or credibility of the information. In other words, reasonableness or credibility of the said information is not a condition precedent for the registration of a case.

* **Ed.**: Vide Act 5 of 2009, w.e.f. 1-1-2010 Sections 41(1)(*a*) and (*b*) of the principal Act were substituted with differently worded Sections 41(1)(*a*) and (*b*): the new clause (*b*) being substantially in pari materia with the old clause (*a*). A new clause (*ba*) was also added. The old clause (*a*) mentioned in most of the judgments cited hereinbelow stood as follows:

"**41. (1)(*a*)** who has been concerned in any cognizable offence, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned; or"

The new Sections 41(1)(*a*), (*b*) and (*ba*) are as follows:

"**41. (1)(*a*)** who commits, in the presence of a police officer, a cognizable offence;

(*b*) against whom a reasonable complaint has been made, or credible information has been received ...

(*ba*) against whom credible information has been received that he has committed a cognizable offence ..."

Clause (*g*) of Section 41(1) remains unaltered.

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74. The above view has been expressed by this Court in *Bhajan Lal*[3] which is as under: (SCC pp. 354-55, para 32)

"*32.* ... in Section 154(1) of the Code, the legislature in its collective wisdom has carefully and cautiously used the expression '*information*' without qualifying the same as in Section 41(1)(*a*) or (*g*) of the Code wherein the expressions, '*reasonable complaint*' and '*credible information*' are used. Evidently, the non-qualification of the word 'information' in Section 154(1) unlike in Sections 41(1)(*a*) and (*g*) of the Code may be for the reason that the police officer should not refuse to record an information relating to the commission of a cognizable offence and to register a case thereon on the ground that he is not satisfied with the reasonableness or credibility of the information. In other words, 'reasonableness' or 'credibility' of the said information is not a condition precedent for registration of a case. A comparison of the present Section 154 with those of the earlier Codes will indicate that the legislature had purposely thought it fit to employ only the word 'information' without qualifying the said word." (emphasis in original)

75. In *Parkash Singh Badal*[5], this Court held as under: (SCC pp. 40-41, paras 65-68)

"*65.* The legal mandate enshrined in Section 154(1) is that every information relating to the commission of a 'cognizable offence' [as defined under Section 2(*c*) of the Code] if given orally (in which case it is to be reduced into writing) or in writing to 'an officer in charge of a police station' [within the meaning of Section 2(*o*) of the Code] and signed by the informant should be entered in a book to be kept by such officer in such form as the State Government may prescribe which form is commonly called as 'first information report' and which act of entering the information in the said form is known as registration of a crime or a case.

66. At the stage of registration of a crime or a case on the basis of the information disclosing a cognizable offence in compliance with the mandate of Section 154(1) of the Code, the police officer concerned cannot embark upon an enquiry as to whether the information laid by the informant is reliable and genuine or otherwise and refuse to register a case on the ground that the information is not reliable or credible. On the other hand, the officer in charge of a police station is statutorily obliged to register a case and then to proceed with the investigation if he has reason to suspect the commission of an offence which he is empowered under Section 156 of the Code to investigate, subject to the proviso to Section 157 thereof. In case an officer in charge of a police station refuses to exercise the jurisdiction vested in him and to register a case on the information of a cognizable offence reported and thereby violates the statutory duty cast upon him, the person aggrieved by such refusal can send the substance of the information in writing and by post to the Superintendent of Police concerned who if satisfied that the information forwarded to him discloses a cognizable offence, should either

3 *State of Haryana* v. *Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426
5 *Parkash Singh Badal* v. *State of Punjab*, (2007) 1 SCC 1 : (2007) 1 SCC (Cri) 193

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investigate the case himself or direct an investigation to be made by any police officer subordinate to him in the manner provided by sub-section (3) of Section 154 of the Code.

67. It has to be noted that in Section 154(1) of the Code, the legislature in its collective wisdom has carefully and cautiously used the expression 'information' without qualifying the same as in Section 41(1)(*a*) or (*g*) of the Code wherein the expressions 'reasonable complaint' and 'credible information' are used. Evidently, the non-qualification of the word 'information' in Section 154(1) unlike in Sections 41(1)(*a*) and (*g*) of the Code may be for the reason that the police officer should not refuse to record an information relating to the commission of a cognizable offence and to register a case thereon on the ground that he is not satisfied with the reasonableness or credibility of the information. In other words, 'reasonableness' or 'credibility' of the said information is not a condition precedent for registration of a case. A comparison of the present Section 154 with those of the earlier Codes will indicate that the legislature had purposely thought it fit to employ only the word 'information' without qualifying the said word. Section 139 of the Code of Criminal Procedure of 1861 (25 of 1861) passed by the Legislative Council of India read that 'every complaint or information' preferred to an officer in charge of a police station should be reduced into writing which provision was subsequently modified by Section 112 of the Code of 1872 (10 of 1872) which thereafter read that 'every complaint' preferred to an officer in charge of a police station shall be reduced in writing. The word 'complaint' which occurred in previous two Codes of 1861 and 1872 was deleted and in that place the word 'information' was used in the Codes of 1882 and 1898 which word is now used in Sections 154, 155, 157 and 190(*c*) of the Code. An overall reading of all the Codes makes it clear that the condition which is sine qua non for recording a first information report is that there must be an information and that information must disclose a cognizable offence.

68. It is, therefore, manifestly clear that if any information disclosing a cognizable offence is laid before an officer in charge of a police station satisfying the requirements of Section 154(1) of the Code, the said police officer has no other option except to enter the substance thereof in the prescribed form, that is to say, to register a case on the basis of such information."

76. In *Ramesh Kumari*[4], this Court held as under: (SCC pp. 679-81, paras 4-5)

"*4*. That a police officer mandatorily registers a case on a complaint of a cognizable offence by the citizen under Section 154 of the Code is no more res integra. The point of law has been set at rest by this Court in *State of Haryana* v. *Bhajan Lal*[3]. This Court after examining the whole gamut and intricacies of the mandatory nature of Section 154 of the Code

4 *Ramesh Kumari* v. *State (NCT of Delhi)*, (2006) 2 SCC 677 : (2006) 1 SCC (Cri) 678
3 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426

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has arrived at the finding in paras 31 and 32 of the judgment as under: (SCC pp. 354-55, paras 31-32)

> '*31*. At the stage of registration of a crime or a case on the basis of the information disclosing a cognizable offence in compliance with the mandate of Section 154(1) of the Code, the police officer concerned cannot embark upon an enquiry as to whether the information, laid by the informant is reliable and genuine or otherwise and refuse to register a case on the ground that the information is not reliable or credible. On the other hand, the officer in charge of a police station is statutorily obliged to register a case and then to proceed with the investigation if he has reason to suspect the commission of an offence which he is empowered under Section 156 of the Code to investigate, subject to the proviso to Section 157. (As we have proposed to make a detailed discussion about the power of a police officer in the field of investigation of a cognizable offence within the ambit of Sections 156 and 157 of the Code in the ensuing part of this judgment, we do not propose to deal with those sections in extenso in the present context.) In case, an officer in charge of a police station refuses to exercise the jurisdiction vested in him and to register a case on the information of a cognizable offence reported and thereby violates the statutory duty cast upon him, the person aggrieved by such refusal can send the substance of the information in writing and by post to the Superintendent of Police concerned who if satisfied that the information forwarded to him discloses a cognizable offence, should either investigate the case himself or direct an investigation to be made by any police officer subordinate to him in the manner provided by sub-section (3) of Section 154 of the Code.
>
> *32*. Be it noted that in Section 154(1) of the Code, the legislature in its collective wisdom has carefully and cautiously used the expression "*information*" without qualifying the same as in Section 41(1)(*a*) or (*g*) of the Code wherein the expressions, "*reasonable complaint*" and "*credible information*" are used. Evidently, the non-qualification of the word "information" in Section 154(1) unlike in Sections 41(1)(*a*) and (*g*) of the Code may be for the reason that the police officer should not refuse to record an information relating to the commission of a cognizable offence and to register a case thereon on the ground that he is not satisfied with the reasonableness or credibility of the information. In other words, "reasonableness" or "credibility" of the said information is not a condition precedent for registration of a case. A comparison of the present Section 154 with those of the earlier Codes will indicate that the legislature had purposely thought it fit to employ only the word "information" without qualifying the said word. Section 139 of the Code of Criminal Procedure of 1861 (25 of 1861) passed by the Legislative Council of India read that "*every complaint or information*" preferred to an officer in charge of a police station

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should be reduced into writing which provision was subsequently modified by Section 112 of the 1872 Code (10 of 1872) which thereafter read that "every complaint" preferred to an officer in charge of a police station shall be reduced in writing. The word "complaint" which occurred in previous two Codes of 1861 and 1872 was deleted and in that place the word "information" was used in the Codes of 1882 and 1898 which word is now used in Sections 154, 155, 157 and 190(*c*) of the present Code of 1973 (2 of 1974). An overall reading of all the Codes makes it clear that the condition which is sine qua non for recording a first information report is that there must be an information and that information must disclose a cognizable offence.'

Finally, this Court in para 33 said: (SCC p. 355)

'*33*. It is, therefore, manifestly clear that if any information disclosing a cognizable offence is laid before an officer in charge of a police station satisfying the requirements of Section 154(1) of the Code, the said police officer has no other option except to enter the substance thereof in the prescribed form, that is to say, to register a case on the basis of such information.'

5. The views expressed by this Court in paras 31, 32 and 33 as quoted above leave no manner of doubt that the provision of Section 154 of the Code is mandatory and the officer concerned is duty-bound to register the case on the basis of such an information disclosing cognizable offence." (emphasis in original)

77. In *Ram Lal Narang*[18], this Court held as under: (SCC pp. 332-34, paras 14-15)

"*14*. Under the CrPC, 1898, whenever an officer in charge of the police station received information relating to the commission of a cognizable offence, he was required to enter the substance thereof in a book kept by him, for that purpose, in the prescribed form (Section 154 CrPC). Section 156 CrPC invested the Police with the power to investigate into cognizable offences without the order of a Court. If, from the information received or otherwise, the officer in charge of a police station suspected the commission of a cognizable offence, he was required to send forthwith a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report and then to proceed in person or depute one of his subordinate officers to proceed to the spot, to investigate the facts and circumstances of the case and to take measures for the discovery and arrest of the offender (Section 157 CrPC). He was required to complete the investigation without unnecessary delay, and, as soon as it was completed, to forward to a Magistrate empowered to take cognizance of the offence upon a police report, a report in the prescribed form, setting forth the names of the parties, the nature of the information and the names of the persons who appeared to be acquainted with the circumstances of the case

18 *Ram Lal Narang* v. *State (Delhi Admn.)*, (1979) 2 SCC 322 : 1979 SCC (Cri) 479

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[Section 173(1) CrPC]. He was also required to state whether the accused had been forwarded in custody or had been released on bail. Upon receipt of the report submitted under Section 173(1) CrPC by the officer in charge of the police station, the Magistrate empowered to take cognizance of an offence upon a police report might take cognizance of the offence [Section 190(1)(*b*) CrPC]. Thereafter, if, in the opinion of the Magistrate taking cognizance of the offence, there was sufficient ground for proceeding, the Magistrate was required to issue the necessary process to secure the attendance of the accused (Section 204 CrPC). The scheme of the Code thus was that the FIR was followed by investigation, the investigation led to the submission of a report to the Magistrate, the Magistrate took cognizance of the offence on receipt of the police report and, finally, the Magistrate taking cognizance issued process to the accused.

15. The police thus had the statutory right and duty to 'register' every information relating to the commission of a cognizable offence. The police also had the statutory right and duty to investigate the facts and circumstances of the case where the commission of a cognizable offence was suspected and to submit the report of such investigation to the Magistrate having jurisdiction to take cognizance of the offence upon a police report. These statutory rights and duties of the police were not circumscribed by any power of superintendence or interference in the Magistrate; nor was any sanction required from a Magistrate to empower the Police to investigate into a cognizable offence. This position in law was well-established. In *King Emperor* v. *Khwaja Nazir Ahmad*[45], the Privy Council observed as follows: (IA pp. 212-13)

> '… Just as it is essential that everyone accused of a crime should have free access to a court of justice so that he may be duly acquitted if found not guilty of the offence with which he is charged, so it is of the utmost importance that the judiciary should not interfere with the police in matters which are within their province and into which the law imposes on them the duty of inquiry. In India, as has been shown, there is a statutory right on the part of the police to investigate the circumstances of an alleged cognizable crime without requiring any authority from the judicial authorities, and it would, as Their Lordships think, be an unfortunate result if it should be held possible to interfere with those statutory rights by an exercise of the inherent jurisdiction of the court. The functions of the judiciary and the police are complementary, not overlapping, and the combination of individual liberty with a due observance of law and order is only to be obtained by leaving each to exercise its own function, always of course, subject to the right of the court to intervene in an appropriate case when moved under Section 491 of the Criminal Procedure Code to give directions in the nature of habeas corpus. In such a case as the present, however, the court's functions begin when a charge is preferred before it and not until then. …

45 (1943-44) 71 IA 203 : (1945) 58 LW 57 : AIR 1945 PC 18

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> … In the present case the police have under Sections 154 and 156 of the Criminal Procedure Code a statutory right to investigate a cognizable offence without requiring the sanction of the court…."

Ordinarily, the right and duty of the police would end with the submission of a report under Section 173(1) CrPC upon receipt of which it was up to the Magistrate to take or not to take cognizance of the offence. There was no provision in the 1898 Code prescribing the procedure to be followed by the police, where, after the submission of a report under Section 173(1) CrPC and after the Magistrate had taken cognizance of the offence, fresh facts came to light which required further investigation. There was, of course, no express provision prohibiting the police from launching upon an investigation into the fresh facts coming to light after the submission of the report under Section 173(1) or after the Magistrate had taken cognizance of the offence. As we shall presently point out, it was generally thought by many High Courts, though doubted by a few, that the police were not barred from further investigation by the circumstance that a report under Section 173(1) had already been submitted and a Magistrate had already taken cognizance of the offence. The Law Commission in its 41st Report recognised the position and recommended that the right of the police to make further investigation should be statutorily affirmed. The Law Commission said:

> '14.23. *Re-opening of investigation.*—A report under Section 173 is normally the end of the investigation. Sometimes, however, the police officer after submitting the report under Section 173 comes upon evidence bearing on the guilt or innocence of the accused. We should have thought that the police officer can collect that evidence and send it to the Magistrate concerned. It appears, however, that courts have sometimes taken the narrow view that once a final report under Section 173 has been sent, the police cannot touch the case again and cannot reopen the investigation. This view places a hindrance in the way of the investigating agency, which can be very unfair to the prosecution and, for that matter, even to the accused. It should be made clear in Section 173 that the competent police officer can examine such evidence and send a report to the Magistrate. Copies concerning the fresh material must of course be furnished to the accused.'

Accordingly, in the 1973 CrPC, a new provision, Section 173(8), was introduced and it says:

> '**173. (8)** Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (2) has been forwarded to the Magistrate and, where upon such investigation, the officer in charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form prescribed; and the provisions of sub-sections (2) to (6) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (2).' "

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78. In *Lallan Chaudhary*[19], this Court held as under: (SCC p. 231, paras 8-10)

> "*8.* Section 154 of the Code thus casts a statutory duty upon the police officer to register the case, as disclosed in the complaint, and then to proceed with the investigation. The mandate of Section 154 is manifestly clear that if any information disclosing a cognizable offence is laid before an officer in charge of a police station, such police officer has no other option except to register the case on the basis of such information.
>
> *9.* In *Ramesh Kumari* v. *State (NCT of Delhi)*[4] this Court has held that the provision of Section 154 is mandatory. Hence, the police officer concerned is duty-bound to register the case on receiving information disclosing cognizable offence. Genuineness or credibility of the information is not a condition precedent for registration of a case. That can only be considered after registration of the case.
>
> *10.* The mandate of Section 154 of the Code is that at the stage of registration of a crime or a case on the basis of the information disclosing a cognizable offence, the police officer concerned cannot embark upon an enquiry as to whether the information, laid by the informant is reliable and genuine or otherwise and refuse to register a case on the ground that the information is not relevant or credible. In other words, reliability, genuineness and credibility of the information are not the conditions precedent for registering a case under Section 154 of the Code."

79. A perusal of the abovereferred judgments clarify that the reasonableness or creditability of the information is not a condition precedent for the registration of a case.

Preliminary inquiry

80. Mr Naphade relied on the following decisions in support of his arguments that if the police officer has a doubt about the veracity of the accusation, he has to conduct preliminary inquiry viz. *E.P. Royappa* v. *State of T.N.*[46], *Maneka Gandhi*[37], *S.M.D. Kiran Pasha* v. *State of A.P.*[47], *D.K. Basu* v. *State of W.B.*[48], *Uma Shankar Sitani* v. *Commr. of Police*[49], *Preeti Gupta*[42], *Francis Coralie Mullin* v. *UT of Delhi*[50], *Common Cause* v. *Union of India*[51],

19 *Lallan Chaudhary* v. *State of Bihar*, (2006) 12 SCC 229 : (2007) 1 SCC (Cri) 684
4 (2006) 2 SCC 677 : (2006) 1 SCC (Cri) 678
46 (1974) 4 SCC 3 : 1974 SCC (L&S) 165
37 *Maneka Gandhi* v. *Union of India*, (1978) 1 SCC 248
47 (1990) 1 SCC 328 : 1990 SCC (Cri) 110
48 (1997) 1 SCC 416 : 1997 SCC (Cri) 92
49 (1996) 11 SCC 714 : 1997 SCC (Cri) 266
42 *Preeti Gupta* v. *State of Jharkhand*, (2010) 7 SCC 667 : (2010) 3 SCC (Cri) 473
50 (1981) 1 SCC 608 : 1981 SCC (Cri) 212
51 (1999) 6 SCC 667 : 1999 SCC (Cri) 1196

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District Registrar and Collector v. *Canara Bank*[52] and *Ranjitsing Brahmajeetsing Sharma* v. *State of Maharashtra*[53].

81. The learned Senior Counsel for the State further vehemently contended that in appropriate cases, it would be proper for a police officer, on receipt of a complaint of a cognizable offence, to satisfy himself that prima facie the allegations levelled against the accused in the complaint are credible. In this regard, Mr Naphade cited the following decisions viz. *Tapan Kumar Singh*[22], *Bhagwant Kishore Joshi*[20], *P. Sirajuddin*[6], *Sevi*[7], *Shashikant*[8], *Rajinder Singh Katoch*[9], *Vineet Narain* v. *Union of India*[54], *Elumalai* v. *State of T.N.*[55], *A. Lakshmanarao* v. *Judicial Magistrate, Parvatipuram*[56], *State of U.P.* v. *Ram Sagar Yadav*[57], *Mona Panwar* v. *High Court of Judicature of Allahabad*[58], *Apren Joseph* v. *State of Kerala*[59], *King Emperor* v. *Khwaja Nazir Ahmad*[45] and *Sarangdharsingh Shivdassingh Chavan*[41].

82. Mr Naphade, learned Senior Counsel further pointed out that the provisions have to be read in the light of the principle of *malicious prosecution* and the fundamental rights guaranteed under Articles 14, 19 and 21. It is the stand of the learned Senior Counsel that every citizen has a right not to be subjected to malicious prosecution and every police officer has an in-built duty under Section 154 to ensure that an innocent person is not falsely implicated in a criminal case. If despite the fact that the police officer is not prima facie satisfied, as regards commission of a cognizable offence and proceeds to register an FIR and carries out an investigation, it would result in putting the liberty of a citizen in jeopardy. Therefore, the learned Senior Counsel vehemently pleaded for a preliminary inquiry before the registration of an FIR.

83. In terms of the language used in Section 154 of the Code, the police is duty-bound to proceed to conduct investigation into a cognizable offence even without receiving information (i.e. FIR) about commission of such an

52 (2005) 1 SCC 496
53 (2005) 5 SCC 294 : 2005 SCC (Cri) 1057
22 *CBI* v. *Tapan Kumar Singh*, (2003) 6 SCC 175 : 2003 SCC (Cri) 1305
20 *State of U.P.* v. *Bhagwant Kishore Joshi*, AIR 1964 SC 221 : (1964) 1 Cri LJ 140 : (1964) 3 SCR 71
6 *P. Sirajuddin* v. *State of Madras*, (1970) 1 SCC 595 : 1970 SCC (Cri) 240
7 *Sevi* v. *State of T.N.*, 1981 Supp SCC 43 : 1981 SCC (Cri) 679
8 *Shashikant* v. *CBI*, (2007) 1 SCC 630 : (2007) 1 SCC (Cri) 406
9 *Rajinder Singh Katoch* v. *Chandigarh Admn.*, (2007) 10 SCC 69 : (2008) 1 SCC (Cri) 571
54 (1998) 1 SCC 226 : 1998 SCC (Cri) 307
55 1983 LW (Cri) 121 (Mad)
56 (1970) 3 SCC 501 : 1971 SCC (Cri) 107 : AIR 1971 SC 186
57 (1985) 1 SCC 552 : 1985 SCC (Cri) 127
58 (2011) 3 SCC 496 : (2011) 1 SCC (Cri) 1181
59 (1973) 3 SCC 114 : 1973 SCC (Cri) 195
45 (1943-44) 71 IA 203 : (1945) 58 LW 57 : AIR 1945 PC 18
41 *State of Maharashtra* v. *Sarangdharsingh Shivdassingh Chavan*, (2011) 1 SCC 577 : (2011) 1 SCC (Cri) 477

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offence, if the officer in charge of the police station otherwise suspects the commission of such an offence. The legislative intent is therefore quite clear i.e. to ensure that every cognizable offence is promptly investigated in accordance with law. This being the legal position, there is no reason that there should be any discretion or option left with the police to register or not to register an FIR when information is given about the commission of a cognizable offence. Every cognizable offence must be investigated promptly in accordance with law and all information provided under Section 154 of the Code about the commission of a cognizable offence must be registered as an FIR so as to initiate an offence. The requirement of Section 154 of the Code is only that the report must disclose the commission of a cognizable offence and that is sufficient to set the investigating machinery into action.

84. The insertion of sub-section (3) of Section 154, by way of an amendment, reveals the intention of the legislature to ensure that no information of commission of a cognizable offence must be ignored or not acted upon which would result in unjustified protection of the alleged offender/accused.

85. The maxim *expressio unius est exclusio alterius* (expression of one thing is the exclusion of another) applies in the interpretation of Section 154 of the Code, where the mandate of recording the information in writing excludes the possibility of not recording an information of commission of a cognizable crime in the special register.

86. Therefore, conducting an investigation into an offence after registration of FIR under Section 154 of the Code is the "procedure established by law" and, thus, is in conformity with Article 21 of the Constitution. Accordingly, the right of the accused under Article 21 of the Constitution is protected if the FIR is registered first and then the investigation is conducted in accordance with the provisions of law.

87. The term "inquiry" as per Section 2(*g*) of the Code reads as under:

> "**2. (*g*) 'inquiry**' means every inquiry, other than a trial, conducted under this Code by a Magistrate or Court."

Hence, it is clear that inquiry under the Code is relatable to a judicial act and not to the steps taken by the police which are either investigation after the stage of Section 154 of the Code or termed as "preliminary inquiry" and which are prior to the registration of FIR, even though, no entry in the General Diary/Station Diary/Daily Diary has been made.

88. Though there is reference to the terms "preliminary inquiry" and "inquiry" under Section 159 and Sections 202 and 340 of the Code, that is a judicial exercise undertaken by the court and not by the police and is not relevant for the purpose of the present reference.

89. Besides, the learned Senior Counsel relied on the special procedures prescribed under the CBI Manual to be read into Section 154. It is true that the concept of "preliminary inquiry" is contained in Chapter IX of the Crime Manual of CBI. However, this Crime Manual is not a statute and has not been enacted by the legislature. It is a set of administrative orders issued for

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internal guidance of the CBI officers. It cannot supersede the Code. Moreover, in the absence of any indication to the contrary in the Code itself, the provisions of the CBI Crime Manual cannot be relied upon to import the concept of holding of preliminary inquiry in the scheme of the Code of Criminal Procedure. At this juncture, it is also pertinent to submit that CBI is constituted under a special Act, namely, the Delhi Special Police Establishment Act, 1946 and it derives its power to investigate from this Act.

90. It may be submitted that Sections 4(2) and 5 of the Code permit special procedures to be followed for special Acts. Section 4 of the Code lays down as under:

> "**4.** ***Trial of offences under the Indian Penal Code and other laws***.—(1) All offences under the Indian Penal Code (45 of 1860) shall be investigated, inquired into, tried, and otherwise dealt with according to the provisions hereinafter contained.
>
> (2) All offences under any other law shall be investigated, inquired into, tried, and otherwise dealt with according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of investigating, inquiring into, trying or otherwise dealing with such offences."

It is thus clear that for the offences under the laws other than IPC, different provisions can be laid down under a special Act to regulate the investigation, inquiry, trial, etc. of those offences. Section 4(2) of the Code protects such special provisions.

91. Moreover, Section 5 of the Code lays down as under:

> "**5.** ***Saving***.—Nothing contained in this Code shall, in the absence of a specific provision to the contrary, affect any special or local law for the time being in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law for the time being in force."

Thus, special provisions contained in the DSPE Act relating to the powers of CBI are protected also by Section 5 of the Code.

92. In view of the above specific provisions in the Code, the powers of CBI under the DSPE Act, cannot be equated with the powers of the regular State Police under the Code.

Significance and compelling reasons for registration of FIR at the earliest

93. The object sought to be achieved by registering the earliest information as FIR is inter alia twofold: one, that the criminal process is set into motion and is well documented from the very start; and second, that the earliest information received in relation to the commission of a cognizable offence is recorded so that there cannot be any embellishment, etc. later.

94. Principles of democracy and liberty demand a regular and efficient check on police powers. One way of keeping check on authorities with such powers is by documenting every action of theirs. Accordingly, under the Code, actions of the police, etc. are provided to be written and documented. For example, in case of arrest under Section 41(1)(*b*) of the Code, the arrest memo along with the grounds has to be in writing mandatorily; under

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Section 55 of the Code, if an officer is deputed to make an arrest, then the superior officer has to write down and record the offence, etc. for which the person is to be arrested; under Section 91 of the Code, a written order has to be passed by the officer concerned to seek documents; under Section 160 of the Code, a written notice has to be issued to the witness so that he can be called for recording of his/her statement, seizure memo/panchnama has to be drawn for every article seized, etc.

95. The police is required to maintain several records including case diary as provided under Section 172 of the Code, General Diary as provided under Section 44 of the Police Act, etc. which helps in documenting every information collected, spot visited and all the actions of the police officers so that their activities can be documented. Moreover, every information received relating to commission of a non-cognizable offence also has to be registered under Section 155 of the Code.

96. The underpinnings of compulsory registration of FIR is not only to ensure transparency in the criminal justice-delivery system but also to ensure "judicial oversight". Section 157(1) deploys the word "forthwith". Thus, any information received under Section 154(1) or otherwise has to be duly informed in the form of a report to the Magistrate. Thus, the commission of a cognizable offence is not only brought to the knowledge of the investigating agency but also to the subordinate judiciary.

97. The Code contemplates two kinds of FIRs: the duly signed FIR under Section 154(1) is by the informant to the officer concerned at the police station. The second kind of FIR could be which is registered by the police itself on any information received or other than by way of an informant [Section 157(1)] and even this information has to be duly recorded and the copy should be sent to the Magistrate forthwith. The registration of FIR either on the basis of the information furnished by the informant under Section 154(1) of the Code or otherwise under Section 157(1) of the Code is obligatory. The obligation to register FIR has inherent advantages:

97.1. (*a*) It is the first step to "access to justice" for a victim.

97.2. (*b*) It upholds the "rule of law" inasmuch as the ordinary person brings forth the commission of a cognizable crime in the knowledge of the State.

97.3. (*c*) It also facilitates swift investigation and sometimes even prevention of the crime. In both cases, it only effectuates the regime of law.

97.4. (*d*) It leads to less manipulation in criminal cases and lessens incidents of "antedated" FIR or deliberately delayed FIR.

98. In *Thulia Kali* v. *State of T.N.*[60], this Court held as under: (SCC p. 397, para 12)

> "*12.* ... First information report in a criminal case is an extremely vital and valuable piece of evidence for the purpose of corroborating the oral evidence adduced at the trial. The importance of the above report can

60 (1972) 3 SCC 393 : 1972 SCC (Cri) 543

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hardly be overestimated from the standpoint of the accused. The object of insisting upon prompt lodging of the report to the police in respect of commission of an offence is to obtain early information regarding the circumstances in which the crime was committed, the names of the actual culprits and the part played by them as well as the names of eyewitnesses present at the scene of occurrence. Delay in lodging the first information report quite often results in embellishment which is a creature of afterthought. On account of delay, the report not only gets bereft of the advantage of spontaneity, danger creeps in of the introduction of coloured version, exaggerated account or concocted story as a result of deliberation and consultation. It is, therefore, essential that the delay in the lodging of the first information report should be satisfactorily explained."

99. In *Tapan Kumar Singh*[22], it was held as under: (SCC pp. 183-84, para 20)

"*20.* It is well settled that a first information report is not an encyclopaedia, which must disclose all facts and details relating to the offence reported. An informant may lodge a report about the commission of an offence though he may not know the name of the victim or his assailant. He may not even know how the occurrence took place. A first informant need not necessarily be an eyewitness so as to be able to disclose in great detail all aspects of the offence committed. What is of significance is that the information given must disclose the commission of a cognizable offence and the information so lodged must provide a basis for the police officer to suspect the commission of a cognizable offence. At this stage it is enough if the police officer on the basis of the information given suspects the commission of a cognizable offence, and not that he must be convinced or satisfied that a cognizable offence has been committed. If he has reasons to suspect, on the basis of information received, that a cognizable offence may have been committed, he is bound to record the information and conduct an investigation. At this stage it is also not necessary for him to satisfy himself about the truthfulness of the information. It is only after a complete investigation that he may be able to report on the truthfulness or otherwise of the information. Similarly, even if the information does not furnish all the details he must find out those details in the course of investigation and collect all the necessary evidence. The information given disclosing the commission of a cognizable offence only sets in motion the investigative machinery, with a view to collect all necessary evidence, and thereafter to take action in accordance with law. The true test is whether the information furnished provides a reason to suspect the commission of an offence, which the police officer concerned is empowered under Section 156 of the Code to investigate. If it does, he has no option but to record the information and proceed to investigate the case either himself

22 *CBI* v. *Tapan Kumar Singh*, (2003) 6 SCC 175 : 2003 SCC (Cri) 1305

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or depute any other competent officer to conduct the investigation. The question as to whether the report is true, whether it discloses full details regarding the manner of occurrence, whether the accused is named, and whether there is sufficient evidence to support the allegations are all matters which are alien to the consideration of the question whether the report discloses the commission of a cognizable offence. Even if the information does not give full details regarding these matters, the investigating officer is not absolved of his duty to investigate the case and discover the true facts, if he can."

100. In *Madhu Bala*[44], this Court held: (SCC pp. 478 & 480, paras 6 & 9-10)

"*6*. Coming first to the relevant provisions of the Code, Section 2(*d*) defines 'complaint' to mean any allegation made orally or in writing to a Magistrate, with a view to his taking action under the Code, that some person, whether known or unknown has committed an offence, but does not include a police report. Under Section 2(*c*) 'cognizable offence' means an offence for which, and 'cognizable case' means a case in which a police officer may in accordance with the First Schedule (of the Code) or under any other law for the time being in force, arrest without a warrant. Under Section 2(*r*) 'police report' means a report forwarded by a police officer to a Magistrate under sub-section (2) of Section 173 of the Code. Chapter XII of the Code comprising Sections 154 to 176 relates to information to the police and their powers to investigate. Section 154 provides, inter alia, that the officer in charge of a police station shall reduce into writing every information relating to the commission of a cognizable offence given to him orally and every such information if given in writing shall be signed 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 prescribe in this behalf. Section 156 of the Code with which we are primarily concerned in these appeals reads as under:

* * *

9. The mode and manner of registration of such cases are laid down in the Rules framed by the different State Governments under the Police Act, 1861. As in the instant case we are concerned with the Punjab Police Rules, 1934 (which are applicable to Punjab, Haryana, Himachal Pradesh and Delhi) framed under the said Act we may now refer to the relevant provisions of those Rules. Chapter XXIV of the said Rules lays down the procedure an officer in charge of a police station has to follow on receipt of information of commission of crime. Under Rule 24.1 appearing in the Chapter every information covered by Section 154 of the Code must be entered in the first information report register and the substance thereof in the Daily Diary. Rule 24.5 says that the first information report register shall be a printed book in Form 24.5(1) consisting of 200 pages and shall

44 *Madhu Bala* v. *Suresh Kumar*, (1997) 8 SCC 476 : 1998 SCC (Cri) 111

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be completely filled before a new one is commenced. It further requires that the cases shall bear an annual serial number in each police station for each calendar year. The other requirements of the said Rules need not be detailed as they have no relevance to the point at issue.

10. From the foregoing discussion it is evident that whenever a Magistrate directs an investigation on a 'complaint' the police has to register a cognizable case on that complaint treating the same as the FIR and comply with the requirements of the above Rules. It, therefore, passes our comprehension as to how the direction of a Magistrate asking the police to 'register a case' makes an order of investigation under Section 156(3) legally unsustainable. Indeed, even if a Magistrate does not pass a direction to register a case, still in view of the provisions of Section 156(1) of the Code which empowers the police to investigate into a cognizable 'case' and the Rules framed under the Police Act, 1861 it (the police) is duty-bound to formally register a case and then investigate into the same. The provisions of the Code, therefore, do not in any way stand in the way of a Magistrate to direct the police to register a case at the police station and then investigate into the same. In our opinion when an order for investigation under Section 156(3) of the Code is to be made the proper direction to the police would be 'to register a case at the police station treating the complaint as the first information report and investigate into the same'."

101. According to the Statement of Objects and Reasons, protection of the interests of the poor is clearly one of the main objects of the Code. Making registration of information relating to commission of a cognizable offence mandatory would help the society, especially, the poor in rural and remote areas of the country.

102. The Committee on Reforms of Criminal Justice System headed by Dr Justice V.S. Malimath also noticed the plight faced by several people due to non-registration of FIRs and recommended that action should be taken against police officers who refuse to register such information. The Committee observed:

> "7.19.1. According to Section 154 of the Code of Criminal Procedure, the officer in charge of a police station is mandated to register every information oral or written relating to the commission of a cognizable offence. Non-registration of cases is a serious complaint against the police. The National Police Commission in its 4th Report lamented that the police 'evade registering cases for taking up investigation where specific complaints are lodged at the police stations'. It referred to a study conducted by the Indian Institute of Public Opinion, New Delhi regarding 'Image of the Police in India' which observed that over 50% of the respondents mention non-registration of complaints as a common practice in police stations.
>
> 7.19.2. The Committee recommends that all complaints should be registered promptly, failing which appropriate action should be taken.

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This would necessitate change in the mind-set of the political executive and that of senior officers.

* * *

7.19.4. There are two more aspects relating to registration. The first is minimisation of offences by the police by way of not invoking appropriate sections of law. We disapprove of this tendency. Appropriate sections of law should be invoked in each case unmindful of the gravity of offences involved. The second issue is relating to the registration of written complaints. There is an increasing tendency amongst the police station officers to advise the informants, who come to give oral complaints, to bring written complaints. This is wrong. Registration is delayed resulting in valuable loss of time in launching the investigation and apprehension of criminals. Besides, the complainant gets an opportunity to consult his friends, relatives and, sometimes even lawyers and often tends to exaggerate the crime and implicate innocent persons. This eventually has adverse effect at the trial. The information should be reduced in writing by the SHO, if given orally, without any loss of time so that the first version of the alleged crime comes on record.

* * *

7.20.11. It has come to the notice of the Committee that even in cognizable cases quite often the police officers do not entertain the complaint and send the complainant away saying that the offence is not cognizable. Sometimes the police twist facts to bring the case within the cognizable category even though it is non-cognizable, due to political or other pressures or corruption. This menace can be stopped by making it obligatory on the police officer to register every complaint received by him. Breach of this duty should become an offence punishable in law to prevent misuse of the power by the police officer."

103. It means that the number of FIRs not registered is approximately equivalent to the number of FIRs actually registered. Keeping in view the NCRB figures that show that about 60 lakh cognizable offences were registered in India during the year 2012, the burking of crime may itself be in the range of about 60 lakhs every year. Thus, it is seen that such a large number of FIRs are not registered every year, which is a clear violation of the rights of the victims of such a large number of crimes.

104. Burking of crime leads to dilution of the rule of law in the short run; and also has a very negative impact on the rule of law in the long run since people stop having respect for the rule of law. Thus, non-registration of such a large number of FIRs leads to a definite lawlessness in the society.

105. Therefore, reading Section 154 in any other form would not only be detrimental to the scheme of the Code but also to the society as a whole. It is thus seen that this Court has repeatedly held in various decided cases that registration of FIR is mandatory if the information given to the police under Section 154 of the Code discloses the commission of a cognizable offence.

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Is there a likelihood of misuse of the provision?

106. Another stimulating argument raised in support of preliminary inquiry is that mandatory registration of FIRs will lead to arbitrary arrest, which will directly be in contravention of Article 21 of the Constitution.

107. While registration of FIR is mandatory, arrest of the accused immediately on registration of FIR is not at all mandatory. In fact, registration of FIR and arrest of an accused person are two entirely different concepts under the law, and there are several safeguards available against arrest. Moreover, it is also pertinent to mention that an accused person also has a right to apply for "anticipatory bail" under the provisions of Section 438 of the Code if the conditions mentioned therein are satisfied. Thus, in appropriate cases, he can avoid the arrest under that provision by obtaining an order from the court.

108. It is also relevant to note that in *Joginder Kumar* v. *State of U.P.*[61], this Court has held that arrest cannot be made by the police in a routine manner. Some important observations are reproduced as under: (SCC pp. 267-68, para 20)

> "*20.* … No arrest can be made in a routine manner on a mere allegation of commission of an offence made against a person. It would be prudent for a police officer in the interest of protection of the constitutional rights of a citizen and perhaps in his own interest that no arrest should be made without a reasonable satisfaction reached after some investigation as to the genuineness and bona fides of a complaint and a reasonable belief both as to the person's complicity and even so as to the need to effect arrest. Denying a person of his liberty is a serious matter. The recommendations of the Police Commission merely reflect the constitutional concomitants of the fundamental right to personal liberty and freedom. A person is not liable to arrest merely on the suspicion of complicity in an offence. There must be some reasonable justification in the opinion of the officer effecting the arrest that such arrest is necessary and justified. Except in heinous offences, an arrest must be avoided if a police officer issues notice to person to attend the Station House and not to leave the Station without permission would do."

109. The registration of FIR under Section 154 of the Code and arrest of an accused person under Section 41 are two entirely different things. It is not correct to say that just because FIR is registered, the accused person can be arrested immediately. It is the imaginary fear that "merely because FIR has been registered, it would require arrest of the accused and thereby leading to loss of his reputation" and it should not be allowed by this Court to hold that registration of FIR is not mandatory to avoid such inconvenience to some persons. The remedy lies in strictly enforcing the safeguards available against arbitrary arrests made by the police and not in allowing the police to avoid mandatory registration of FIR when the information discloses commission of a cognizable offence.

61 (1994) 4 SCC 260 : 1994 SCC (Cri) 1172

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110. This can also be seen from the fact that Section 151 of the Code allows a police officer to arrest a person, even before the commission of a cognizable offence, in order to prevent the commission of that offence, if it cannot be prevented otherwise. Such preventive arrests can be valid for 24 hours. However, a Maharashtra State amendment to Section 151 allows the custody of a person in that State even for up to a period of 30 days (with the order of the Judicial Magistrate) even before a cognizable offence is committed in order to prevent commission of such offence. Thus, the arrest of a person and registration of FIR are not directly and/or irreversibly linked and they are entirely different concepts operating under entirely different parameters. On the other hand, if a police officer misuses his power of arrest, he can be tried and punished under Section 166 IPC.

111. Besides, the Code gives power to the police to close a matter both before and after investigation. A police officer can foreclose an FIR before an investigation under Section 157 of the Code, if it appears to him that there is no sufficient ground to investigate the same. The section itself states that a police officer can start investigation when he has "*reason to suspect the commission of an offence*". Therefore, the requirements of launching an investigation under Section 157 of the Code are higher than the requirement under Section 154 of the Code. The police officer can also, in a given case, investigate the matter and then file a final report under Section 173 of the Code seeking closure of the matter. Therefore, the police is not liable to launch an investigation in every FIR which is mandatorily registered on receiving information relating to commission of a cognizable offence.

112. Likewise, giving power to the police to close an investigation, Section 157 of the Code also acts like a check on the police to make sure that it is dispensing its function of investigating cognizable offences. This has been recorded in the 41st Report of the Law Commission of India on the Code of Criminal Procedure, 1898 as follows:

> "14.1. *Scheme of Chapter.*—If the offence does not appear to be serious and if the station house officer thinks there is no sufficient ground for starting an investigation, he need not investigate but, here again, he has to send a report to the Magistrate who can direct the police to investigate, or if the Magistrate thinks fit, hold an inquiry himself. …
>
> 14.2. *Function of Magistrate during investigation.*—A noticeable feature of the scheme as outlined above is that a Magistrate is kept in the picture at all stages of the police investigation, but he is not authorised to interfere with the actual investigation or to direct the police *how* that investigation is to be conducted." (emphasis in original)

Therefore, the scheme of the Code not only ensures that the time of the police should not be wasted on false and frivolous information but also that the police should not intentionally refrain from doing their duty of investigating cognizable offences. As a result, the apprehension of misuse of the provision of mandatory registration of FIR is unfounded and speculative in nature.

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113. It is the stand of Mr Naphade, learned Senior Counsel for the State of Maharashtra that when an innocent person is falsely implicated, he not only suffers from loss of reputation but also from mental tension and his personal liberty is seriously impaired. He relied on *Maneka Gandhi*[37], which held the proposition that the law which deprives a person of his personal liberty must be reasonable both from the standpoint of substantive as well as procedural aspect is now firmly established in our constitutional law. Therefore, he pleaded for a fresh look at Section 154 of the Code, which interprets Section 154 of the Code in conformity with the mandate of Article 21.

114. It is true that a delicate balance has to be maintained between the interest of the society and protecting the liberty of an individual. As already discussed above, there are already sufficient safeguards provided in the Code which duly protect the liberty of an individual in case of registration of false FIR. At the same time, Section 154 was drafted keeping in mind the interest of the victim and the society. Therefore, we are of the cogent view that mandatory registration of FIRs under Section 154 of the Code will not be in contravention of Article 21 of the Constitution as purported by various counsel.

Exceptions

115. Although, we, in unequivocal terms, hold that Section 154 of the Code postulates the mandatory registration of FIRs on receipt of all cognizable offences, yet, there may be instances where preliminary inquiry may be required owing to the change in genesis and novelty of crimes with the passage of time. One such instance is in the case of allegations relating to medical negligence on the part of doctors. It will be unfair and inequitable to prosecute a medical professional only on the basis of the allegations in the complaint.

116. In the context of medical negligence cases, in *Jacob Mathew*[21], it was held by this Court as under: (SCC p. 35, paras 51-52)

> "*51*. We may not be understood as holding that doctors can never be prosecuted for an offence of which rashness or negligence is an essential ingredient. All that we are doing is to emphasise the need for care and caution in the interest of society; for, the service which the medical profession renders to human beings is probably the noblest of all, and hence there is a need for protecting doctors from frivolous or unjust prosecutions. Many a complainant prefer recourse to criminal process as a tool for pressurising the medical professional for extracting uncalled for or unjust compensation. Such malicious proceedings have to be guarded against.
>
> *52*. Statutory rules or executive instructions incorporating certain guidelines need to be framed and issued by the Government of India and/or the State Governments in consultation with the Medical Council of India. So long as it is not done, we propose to lay down certain

37 *Maneka Gandhi* v. *Union of India*, (1978) 1 SCC 248

21 *Jacob Mathew* v. *State of Punjab*, (2005) 6 SCC 1 : 2005 SCC (Cri) 1369

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guidelines for the future which should govern the prosecution of doctors for offences of which criminal rashness or criminal negligence is an ingredient. A private complaint may not be entertained unless the complainant has produced prima facie evidence before the court in the form of a credible opinion given by another competent doctor to support the charge of rashness or negligence on the part of the accused doctor. The investigating officer should, before proceeding against the doctor accused of rash or negligent act or omission, obtain an independent and competent medical opinion preferably from a doctor in government service, qualified in that branch of medical practice who can normally be expected to give an impartial and unbiased opinion applying the *Bolam*[62] test to the facts collected in the investigation. A doctor accused of rashness or negligence, may not be arrested in a routine manner (simply because a charge has been levelled against him). Unless his arrest is necessary for furthering the investigation or for collecting evidence or unless the investigating officer feels satisfied that the doctor proceeded against would not make himself available to face the prosecution unless arrested, the arrest may be withheld."

117. In the context of offences relating to corruption, this Court in *P. Sirajuddin*[6] expressed the need for a preliminary inquiry before proceeding against public servants.

118. Similarly, in *Tapan Kumar Singh*[22], this Court has validated a preliminary inquiry prior to registering an FIR only on the ground that at the time the first information is received, the same does not disclose a cognizable offence.

119. Therefore, in view of various counterclaims regarding registration or non-registration, what is necessary is only that the information given to the police must disclose the commission of a cognizable offence. In such a situation, registration of an FIR is mandatory. However, if no cognizable offence is made out in the information given, then the FIR need not be registered immediately and perhaps the police can conduct a sort of preliminary verification or inquiry for the limited purpose of ascertaining as to whether a cognizable offence has been committed. But, if the information given clearly mentions the commission of a cognizable offence, there is no other option but to register an FIR forthwith. Other considerations are not relevant at the stage of registration of FIR, such as, whether the information is falsely given, whether the information is genuine, whether the information is credible, etc. These are the issues that have to be verified during the investigation of the FIR. At the stage of registration of FIR, what is to be seen is merely whether the information given ex facie discloses the commission of a cognizable offence. If, after investigation, the information given is found to be false, there is always an option to prosecute the complainant for filing a false FIR.

62 *Bolam* v. *Friern Hospital Management Committee*, (1957) 1 WLR 582 : (1957) 2 All ER 118
6 *P. Sirajuddin* v. *State of Madras*, (1970) 1 SCC 595 : 1970 SCC (Cri) 240
22 *CBI* v. *Tapan Kumar Singh*, (2003) 6 SCC 175 : 2003 SCC (Cri) 1305

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Conclusion/Directions

120. In view of the aforesaid discussion, we hold:

120.1. The registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.

120.2. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.

120.3. If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further.

120.4. The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.

120.5. The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.

120.6. 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.

120.7. While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time-bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry.

120.8. Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, we direct that all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above.

121. With the above directions, we dispose of the reference made to us. List all the matters before the appropriate Bench for disposal on merits.