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Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@iledu.in / Chairman@iledu.in



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ZERO FIR: A PROGRESSIVE STEP TOWARDS ACCESSIBLE JUSTICE

AUTHOR – SURYANSH PANDEY, STUDENT AT SOL&G, GAUTAM BUDDHA UNIVERSITY, GREATER NOIDA

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ABSTRACT:

This paper is aim to examine the concept of “Zero FIR” within the framework of criminal procedure code (CRPC). Zero FIR means allows a complainant to file First Information Report at any station irrespective the jurisdiction in which crime occurred. The historical context of the FIR system, the CRPC legal rules, and the importance of Zero FIR in guaranteeing prompt justice are all covered in this paper. This paper will also tell us about the difference between” ZERO FIR and “NORMAL FIR” as mentioned in CRPC.

KEYWORDS: Zero FIR, CRPC, FIRST INFORMATION REPORT, JURISDICTION, JUSTICE.

INTRODUCTION

The FIR⁶⁰³ is the important component in the legal system and for the initiation of investigation⁶⁰⁴ by the police officer and officer in charge of police station. Under the legal system the FIR is filed under the jurisdiction where the offence is committed, but there are some logistic reasons due to which victim cannot file FIR under the jurisdiction where the crime is occurred. Here the concept of Zero FIR come into the play. The provision of Zero FIR was introduced to ensure that victim of crime did not face procedural hurdles that delay justice. This paper explores the role of Zero FIR in CRPC⁶⁰⁵ and its legal and practical implications, and challenges faced in its implications.

CONCEPT OF ZERO FIR

The concept of Zero FIR was inserted in criminal law amendment by justice Verma Committee's after the incident of Nirbhaya rape case. This Committee was charged with proposing changes to criminal law aimed at enhancing the protection and justice of women. A significant recommendation by the committee was the

implementation of Zero FIR, which was later enacted into law. The primary objective of Zero FIR is that police officer can take immediate cognizance on the complaint without worrying of the jurisdictional boundaries of a police station. The objective of the provisions is to give the victim prompt redress so that prompt action can be taken after filing FIR.

LEGAL BASIS OF ZERO FIR

The legal basis of Zero FIR was obtained from the Criminal procedure code, especially section 154 of CRPC⁶⁰⁶ which governs the registration of First Information Report.

- **Section 154 of CRPC**– Section 154 of CRPC (2 of 1974) states the procedure for filing the FIR. In this provision the police officer or officer in charge of police station is mandate to record the information relating to cognizable offence⁶⁰⁷. However, in case of Zero FIR, the provision was elucidated to allow the registration of FIR at any police station, irrespective whether offence takes place within that jurisdiction. This interpretation solves the problem of jurisdictional boundaries, which could otherwise

⁶⁰³ FIRST INFORMATION REPORT

⁶⁰⁴ Section 2(h) of the Code of Criminal Procedure, 1973

⁶⁰⁵ Code of Criminal Procedure

⁶⁰⁶ Now 173 of Bharatiya Nagarik Suraksha Sanhita, 2023

⁶⁰⁷ Section 2(c) of the Code of Criminal Procedure, 1973

slow down the process of filing the FIR and starting an investigation.

- **THE CRIMINAL LAW (AMENDMENT) ACT, 2013**– The Criminal Law (AMENDMENT) ACT, 2013, was passed after the Nirbhaya case (Mukesh & Anr. v. State for NCT of Delhi & Ors (2017)6 SCC 1) to change and improve laws, especially those related to sexual offences and how complaints⁶⁰⁸ are handled. Even though this law doesn't directly mention ZERO FIR, it emphasized the importance of registering FIR quickly. It also makes the process easier for the victims to file an FIR and get justice.

CASE LAWS REGARDING ZERO FIR

- **Lalita kumari vs State of Uttar Pradesh ([2013]14 S.C.R. 713)**

In this case, Supreme court ruled that police officer must register FIR whenever the cognizable offence is reported, even when the offence is not occurred in their jurisdiction. In some case preliminary inquiry can be conducted before filing a FIR such as matrimonial dispute, commercial offence, medical negligence case and corruption case. If preliminary inquiry is done, it should be completed within 7 days and the reasons must be record in writings.

- **Narendra Singh vs State of Haryana (2014) (CRM-M-28415-2023)⁶⁰⁹**

Supreme court ruled that, once the Zero FIR is filed it should be transferred to the correct jurisdiction for investigation. The police can not refuse to file a FIR or create unnecessary delay in the process. The decisions stressed how important is to be protect the right of victims by making sure that First Information Report (FIR) is reported on time. This help to ensure that victims get justice on time without unnecessary delay.

- **Satvinder Singh VS State (Govt of N.C.T Delhi) (AIR 1999 SC 3596)**

The question was arising before the Supreme Court that it is valid to quash an FIR that the police officer has no territorial jurisdictional over the matter even if it is cognizable case. The

Supreme Court held that it does not matter whether police officer have territorial jurisdiction over an area, police have to do needful and it is not a valid ground for quashing an FIR. The police can investigate under Zero FIR, and such investigation is protected and cannot be challenged only on the basis that there was no territorial jurisdiction.⁶¹⁰

- **State of Andhra Pradesh vs Punati Ramulu and Others (AIR 1993 SC 2644)**

The Hon'ble Supreme Court said that if a police officer refuse to lodge FIR just because it is outside of territorial jurisdiction it is nothing but act of shame of duty on the part of police officer.

WHY ZERO FIR IS IMPORTANT?

- **Access to justice**– Zero FIR make sure that the Victim can register an FIR immediately, no matter where the crime occurred, without being delayed due to jurisdictional issues. Without the Zero FIR, the victim can face delays in getting their case reported which can affect the investigation and cannot prevent unnecessary delays in seeking justice to victim.

- **Removing Jurisdictional Barriers**–One of the best advantages of Zero FIR is to remove jurisdictional barriers for the victims to register an FIR. Victim can register an FIR at any police station, then the police officer will transfer the case to the police station who have actual jurisdiction of that case. This help the victim to avoid the bureaucratic delays that could prevent their case from being registered.

- **Encourages Accountability**– Zero FIR encourages accountability on police officer for taking action on every reported crime. Earlier Police could refuse to file an FIR if the crime occurred outside the jurisdiction of the police station. But this loophole is closed now. Now the Police officer is accountable to register a complaint, irrespective whether crime is occurred in their jurisdiction or not and to act on it right away.

⁶⁰⁸ Section 2(d) of the Code of Criminal Procedure, 1973

⁶⁰⁹ Reference from <https://indiankanoon.org/doc/165175491/>

⁶¹⁰ Case information taken from https://r.search.yahoo.com/_ylt=AwrKAwuEggNoOQIADiu7HAX.;_ylu=Y29sbwNzZzMEcG9zAzMEdnRpZAMEc2VjA3Ny/RV=2/RE=1746270084/RO=10/RU=https%3a%2f%2fwwww.latestlaws.com%2farticles%2fhow-to-file-a-zero-fir-in-india-process-guidelines-and-case-laws-204106%2f/RK=2/RS=zRfCGYPreKvXMDjA2CrdQMfgn0M-

- **Justice for all**-Zero FIR gives people a sense of fairness and equality. Victims of crime can go to any police station for help, no matter where the crime happened. This means people won't be denied justice just because they are in wrong area or don't know the legal process.

CONCLUSION

Zero FIR is very important provisions to protect the right of victims by allowing them to report a crime immediately, irrespective of the jurisdictional barriers.

The police Officer or officer in charge of police station is bound to register an FIR of every offence, whether such offences have been occurred in their jurisdiction or not. Zero FIR ensures prompt registration and investigation of case, thus helping prevent delays in the criminal justice process.

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