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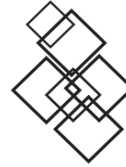
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TOPIC

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AUTHORS

Sidra Kanwel

Lecturer

Department of Law, at University of Sialkot, Punjab, Pakistan.

sidra.kanwel@uskt.edu.pk

Nazia Ayub

LLM. Scholar

Punjab University Lahore, Punjab, Pakistan.

ayubnazia975@gmail.com

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F.I.R. DENIAL BY POLICE: A LEGAL AND ETHICAL DILEMMA

Sidra Kanwel

Lecturer

Department of Law, University of Sialkot, Punjab, Pakistan.

sidra.kanwel@uskt.edu.pk

Nazia Ayub

LLM. Scholar

Punjab University Lahore, Punjab, Pakistan.

ayubnazia975@gmail.com

Abstract

The denial by police to record First Information Reports (F.I.R) presents a complex and multifaceted challenge within law enforcement's legal and ethical framework. This research article delves into the heart of this dilemma, exploring the legal implications, ethical considerations, and the broader impact of such refusals on the justice system and society at large. Through a comprehensive analysis of relevant case law, statutes, and ethical guidelines, this study examines the reasons behind police refusal to register F.I.Rs, the consequences of this practice, and the ensuing erosion of public trust in law enforcement agencies. The article also evaluates the potential remedies and policy changes necessary to address this issue effectively. By shedding light on the legal and ethical dimensions of F.I.R. denial by the police, this article aims to contribute to a deeper understanding of the challenges faced in ensuring accountability and transparency within the law enforcement system. It underscores the urgency of addressing this dilemma to uphold the principles of justice, fairness, and public confidence in the legal system.

Keywords: Accountability, Ethical Dilemma, F.I.R. Denial, Legal Implications, Police Refusal.

Introduction

An F.I.R. (First Information Report) is a written document prepared by the police when they receive information about the occurrence of a serious crime that is under their jurisdiction. This is an initial information record that is presented to the police according to a set schedule, which is why it is referred to as the First Information Report. Typically, it is a statement given by the offender of a serious crime or by someone on their behalf to the police. Any individual has the option to report the commission of a recognizable offense to the police either verbally or in writing. A phone message can be regarded as a First Information Report. Police officers

have an obligation to promptly and unquestioningly submit the First Information Report, without any hesitation or justification.

The failure to register a First Information Report is a breach that could provide grounds for initiating criminal actions against the implicated police officer. The First Information Report is a highly significant document that initiates the criminal justice process. The police commence their investigation as soon as the First Information Report is lodged at the police station. The relevant evidence is the First Information Report, which must adhere to Articles 21, 22, 23, 25, 49, and 50 of the 1984 Qanoon-e-Shahadat Order. An individual who becomes aware of the occurrence of a cognizable offense may choose to document a First Information Report. It is not essential for the offender of the crime to be the one who stops a First Information Report. A First Information Report (FIR) is often documented by a police officer upon receiving information about a cognizable offense. If you are the victim of the crime, you will be responsible for documenting the First Information Report record. (b) You possess knowledge about the occurrence of a criminal act. (c) You have observed the offense being committed ((Hamza & Hamza, 2023).

Role of First Information Report (F.I.R.)

An FIR is a written document prepared by the police when they receive information about the occurrence of a serious crime that falls under their jurisdiction. The data log is the initial encounter with the police, which is why it is referred to as the First Information Report.

The First Information Report (FIR) plays a crucial function in the criminal justice system as it is the initial and fundamental step in reporting information about a serious crime to the police station. The entire legal process is based on the First Information Report. The First Information Report (F.I.R.) is not only initiated immediately once a case is registered, but it also remains in effect until the final judgments are issued by the criminal court. The First Information Report (F.I.R.) is a crucial document that initiates the entire legal process. A weak foundation can disrupt the criminal justice system, making it extremely difficult for prosecutors to introduce new evidence or arguments. When preparing a First Information Report, it is essential to include the necessary requirements in exact accordance with the Code of Criminal Procedure (Khan, A., Iqbal, N., & Ahmad, I. 2022).

The prosecution must possess the most recent rulings from higher courts to provide appropriate legal direction to the investigating officer, who often relies on conventional methods and disregards the latest recommendations provided by higher judicial bodies. While the prosecutor provides essential guidance to the investigating officer during the inquiry, they also address

any significant legal gaps, resulting in a strong case that can be presented in the appropriate court. Following the submission of the challan, the prosecutor's function is crucial as they are responsible for concluding the trial once the prosecution witnesses have been examined and cross-examined by the defense counsel. Additionally, the prosecutor must cross-examine the defense witnesses presented by the accused (Attorney, 2022).

Responsibilities and Duties of The Police

1. The primary role and functions of the police encompass the impartial enforcement of the law, safeguarding the lives, freedom, property, fundamental liberties, and dignity of persons within society.
2. To promote and safeguard societal harmony;
3. To safeguard internal security and mitigate the risks of terrorism, breaches of mutual amicability, assailant exercises, and other factors that may impact internal security need to be prevented and controlled.
4. To safeguard public assets such as roadways, trains, bridges, essential facilities, and infrastructure from harmful incidents, violence, or any kind of attack;
5. In order to prevent infractions and reduce the likelihood of crime, it is vital for individuals to engage in proactive measures and support other relevant authorities in implementing effective crime prevention strategies.
6. To accurately record all objections presented by a complainant or their representative, whether in person or received through the mail, email, or other means and promptly take appropriate action after acknowledging receipt of the complaint;
7. The purpose is to officially record and investigate all recognisable crimes reported through complaints or other means, ensuring that a copy of the First Information Report is given to the complainant and, when appropriate, apprehend offenders and provide necessary assistance in prosecuting them.
8. To establish and maintain a sense of security within the community, and also prevent conflicts and foster peace;
9. The primary objective is to provide comprehensive aid to persons affected by natural or man-made disasters as first responders and to actively support other organisations in relief and rehabilitation efforts.
10. The purpose is to provide aid and financial support to individuals who are at risk of harm to themselves or their property and to offer necessary assistance and cover the expenses of relief efforts for individuals in distressing situations. 11. The objective is to collaborate with the organised development of individuals and vehicles, to regulate and oversee traffic

on streets and roadways, to gather information pertaining to issues affecting public order, including various forms of crime such as social offenses, communalism, radicalism, terrorism, and other matters related to public safety, and disseminate this information to all relevant organisations, while also taking appropriate action themselves.

11. As a police officer on duty, it is necessary to take responsibility for all unclaimed property and take appropriate action to ensure its protection and disposal in accordance with the approved procedure.
12. The objective is to train, deploy, and provide government support for police personnel (Suddle, M. S. 2003).

Social Responsibilities of the Police

Every police officer shall:

- a) Interact respectfully and appropriately with members of the public, particularly when dealing with senior citizens, women, and children.
- b) Provide guidance and assistance to members of the public, especially senior citizens, women, children, impoverished individuals, and those who are vulnerable or mentally challenged and who are in a disadvantaged state in urban areas or other public locations and require aid and protection.
- c) Ensure comprehensive assistance to victims of crimes and street accidents, including the provision of prompt medical aid or clinical guidance, regardless of legal formalities, and facilitate their access to compensation and other legal entitlements.
- d) Ensure that the behavior of the police is consistently guided by principles of fairness and human rights norms, particularly during conflicts between various networks, social classes, hierarchies, and political factions, with special attention to safeguarding the rights of marginalized groups, including minorities.
- e) Prohibit the act of harassing women and children in public spaces and public transportation, which includes actions such as stalking, making offensive gestures, remarks, or engaging in any form of sexual assault.
- f) Provide necessary assistance to members of the public, particularly women, children, and individuals living in poverty, in order to protect them from any form of criminal exploitation by individuals or organized groups.
- g) Ensure that every individual under guardianship is provided with legally enough food and shelter, and promote awareness of the availability of legal aid programs offered by the government. Additionally, empower the relevant authorities involved in this matter.

- h) Preserve, promote, and safeguard the human rights and interests of marginalised groups, including those in lower social strata, impoverished individuals, the vulnerable, and the disheartened (Anwar, A., & Hussain, B. 2022).

The Inventory of Police Duties

Based on the previously described description of police work and functioning, a compilation of police responsibilities, functions, and jobs can be organised as follows:

- i. Responsibilities and roles pertaining to investigations.
- ii. Ensuring the prevention of crime and the maintenance of peace and security.
- iii. Investigation of criminal activities.
- iv. Jobs related to maintaining order and ensuring security.
- v. Enforcement of social legislation, including minor, major, and special acts, will be carried out.
- vi. Intelligence Gathering.
- vii. Seventh, responsibilities relating to democracy and elections.
- viii. Natural disasters, the handling of such events, and responsibilities during emergencies.
- ix. Police Records Maintenance.
- x. PRO responsibilities.
- xi. Assist other departments.
- xii. Assorted responsibilities and tasks (Arain, S. M., & Arain, A. M. 2015).

It is evident that the Pakistani police often abuse their authority while making leisurely efforts towards law enforcement, which can hinder their own obligations, such as registering a First Information Report (FIR). Lawyers frequently receive numerous complaints from victims seeking to file First Information Reports (FIRs) against perpetrators. However, the police often fail to provide assistance or cooperation, either by refusing to act or by requesting a written application. This results in unnecessary delays and allows the culprits to evade justice. In order to address the egregiously negligent behaviour of the police, the government attempted to provide a solution for the entire people by making amendments to Sections 22 and 25 of the Code of Criminal Procedure 1898 (CrPC) via the Code of Criminal Procedure Ordinance (Javed, K., Jianxin, L., & Khan, A. 2021).

This page aims to inform the general public that the police are obligated to file a First Information Report (FIR), and there are available remedies in case they refuse to do so. An FIR, or Finite Impulse Response, is a type of digital filter that calculates its output based on a weighted sum of past input samples. Is the police obligated to register it? Upon examining Section 154 of the Criminal Procedure Code (CrPC), it becomes evident that when the

responsible police officer, such as the Station House Officer (SHO), is informed about the commission of a serious offense, they are legally obligated to file a First Information Report (FIR). It is crucial to emphasise that the police are obligated to act, regardless of whether the information is provided by a victim or on behalf of multiple victims. An exception to the need to register a First Information Report by the police occurs when an accident occurs outside the jurisdiction of a particular police station. On such occasions, the informant (the person providing information to the police about the alleged crime) should directly and promptly contact the police or call the police helpline for the relevant police station that has jurisdiction over the location where the crime occurred, and subsequently proceed to that police station accordingly.

According to Section 154 and Rule 24.1 of the Police Rules, the police are required to write down any information they receive about a serious crime and record it in both the First Information Report register and the police station diary.

This task should be efficiently executed without any unnecessary delay. The occurrence of a delay in registering the First Information Report is a significant factor that creates "reasonable doubt" in the eyes of judges regarding the incident, allowing offenders to escape without facing any consequences (Tahir, 2020).

Legal Remedies When Police Refuse to Register F.I.R.

If the police, for any reason, refuse or delay the registration of a First Information Report (FIR), the affected party has the option to document the incident in writing and submit it to the police. However, any delays in registration may raise doubts during court proceedings. In addition, the defence counsel can claim that the delays were caused due to a combination of circumstances and that the case was maliciously filed with the intention of tarnishing the accused's reputation. Due to these reasons, it is advisable for the affected person to promptly approach the Superintendent of Police (SP) as a first course of action. The National Judicial Policy Making Committee (NJPMC) has stated in recent years that petitions filed under Section 22-A and 22-B of the CrPC should not be entertained unless the Superintendent of Police (SP) has been approached first regarding the police's failure to record a First Information Report (FIR). The judgment made by the NJPMC is highly objectionable since it grants the executive body of the police, which is already failing to fulfil its obligations, greater authority to exploit its powers under the guise of altering complaints. Intentional delays in the registration of a First Information Report can potentially benefit the culprits by giving them an advantage. Bestowing a slugger onto the harasser seems utterly absurd.

If the distressing deterrence has been pursued without any First Information Report being registered, the affected individual can use their clear legal entitlement under Sections 22-A and 22-B of the CrPC by approaching a (ex-officio) Justice of Peace (JP). The ex-officio Justices of Peace, as stipulated in Section 25 of the CrPC, refer to Sessions or Additional Judges (Husan, S. 2022).

To avail of this legal recourse, one must file a petition under Sections 22-A and 22-B to register a First Information Report in the Court of Sessions. Upon filing the petition, a specific date is scheduled for the Justice of Peace to evaluate the petitioner's application. If a recognisable crime is reported to a Justice of Peace, they are required to instruct the relevant police officer to file a First Information Report. In certain circumstances, they may also direct the complainant to pursue an alternative course of action by filing a private complaint under Section 200 of the Criminal Procedure Code (Tovar, M., & Lin, L. S. 2022).

In the case of *Muhammad Tayyab v Justice of Peace*, the defendant contended that it would be highly risky to charge him with a grave crime that carries a life sentence without conducting a DNA test. The High Court's constitutional jurisdiction, as outlined in Article 199 of the Constitution of Pakistan, was utilised to challenge the validity of the order issued in favour of Amna Mai, the aggrieved party, by the knowledgeable (ex-officio) Justice of Peace. The Lahore High Court (Multan Bench) rejected Muhammad Tayyab's constitutional challenge and ruled that the case should have been filed under Section 154 of the CrPC (Criminal Procedure Code) when it was reported to the police. The Police administration was obligated to adhere to the mandates of the law. The former Justice of Peace exercised his authority by instructing the Station House Officer (SHO) to officially record a case based on a complaint made by the individual. An investigation, which involved conducting a DNA test, was scheduled to take place. It was mandatory for a case to be registered before the investigation could start, and the registration of the case could not be delayed or contingent upon receiving a positive DNA test result. Put simply, the provisions of Section 22-A and 22-B of CrPC, as well as Article 199 of the Constitution, are not meant to offer an alternative path for the concerned parties but rather to be utilised when police officials are evading their legal duties (Hussain, N., Khan, A., & Chandio, L. A. 2023).

The Lahore High Court has repeatedly emphasised that the sole duty of an ex-officio Justice of Peace, as outlined in Section 22-A(6)(i) of the CrPC, is to assess whether the material provided by the aggrieved party proves a cognisable violation. If, in the individual's judgment, considering the presented facts, a recognisable offense has been established, then the sole instruction they can provide is to the relevant Station House Officer to officially record a First

Information Report without delving into the accuracy of the information in question. Any alternative interpretation of the clauses in question would contravene the entire framework of the Code of Criminal Procedure (CrPC), which is not permissible. The term "ex-officio" refers to a person who has a position or role automatically by their status or another position they have. The Justice of Peace is not expected to mechanically order the registration of a First Information Report in every single case. Furthermore, the petitioner also has the option to lodge a direct complaint under Section 200 of the CrPC. As previously stated, the ex-officio Justice of Peace has the authority to instruct the affected party to initiate the appropriate dialogue for filing a private complaint under Section 200 of the CrPC to seek a resolution for their grievances by the law. This legal remedy is equally beneficial (Bhardwaj, 2023).

Conclusion

In conclusion, the First Information Report (FIR) is a written document created by a police officer upon receiving information about the occurrence of a serious crime. This is an initial record of information that is presented to the police according to a set schedule, which is why it is referred to as the First Information Report. Typically, it is a statement provided by the offender of a serious crime or by someone associated with them to the police. Any individual has the option to report the commission of a recognisable offense to the police either orally or in writing. A phone message can be regarded as a First Information Report. Police officers are obligated to promptly and unquestioningly report the First Information Report without any hesitation or justification. The First Information Report (FIR) holds significant importance in the administration of criminal justice as it serves as the initial step in reporting information about a cognisable crime or offense at a police station. The entire legal process is based on the First Information Report. Police personnel are responsible for upholding and enforcing the law without bias. They are tasked with safeguarding the lives, freedom, property, fundamental rights, and dignity of individuals from the general public. In order to safeguard internal security and counteract terrorist activities, breaches of mutual amicability, assailant exercises, and other circumstances that may impact internal security, it is necessary to protect public properties such as streets, railroads, bridges, essential establishments, and institutions from destructive incidents, violence, or any form of attack. Additionally, efforts should be made to prevent crimes and reduce the likelihood of their occurrence through proactive measures and collaboration with relevant authorities responsible for crime prevention. The failure to register a First Information Report is a blatant infraction that could potentially warrant criminal proceedings against the implicated police officer. The First Information Report (FIR) is an

extremely crucial document. The police commence their investigation as soon as the First Information Report is lodged at the police station. What are the reasons for which police officers can decline to file a First Information Report? It is the responsibility of the authorities to ensure that residents have access to necessary facilities. However, if the police fail to record a First Information Report, they may be infringing on the human rights of a citizen.

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