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GOVERNMENT OF TRIPURA
OFFICE OF THE DIRECTOR GENERAL OF POLICE
TRIPURA, AGARTALA

No. 1073# 1177/R-73/DGP/LC/13

Dated, July 18, 2013

CIRCULAR

Subject:- Registration of FIR irrespective of territorial jurisdiction and zero FIR-thereof.

The Ministry of Home Affairs, Govt. of India vide No. 15011/35/2013-SC/ST-W dated 10/05/2013 invited attention of all State Governments regarding filing of FIR/investigation in such cases which get affected due to dispute regarding area jurisdiction. Hon'ble Supreme Court in Satvinder Kaur Vs Government of NCT, Delhi case in their order dated 05.10.1999(AIR 1999, Delhi 1031) and in Ramesh Kumari Vs Government of NCT Delhi case in order dated 21.02.2006 indicated on how to deal such cases which get affected by the dispute in "area jurisdiction". In the former case, the court held that at the stage of investigation, the material collected by an investigating officer cannot be judicially scrutinized for arriving at a conclusion that the particular police station would not have territorial jurisdiction.

Further provision exists u/s 154(1) and 156(2) of Cr.P.C which enable the police officer to take up the proceedings of different territorial jurisdiction without any impediment in lodging FIR and investigation at the initial state. The police officer concerned may register such FIR which should then be suitably transferred to the concerned Police Station having jurisdiction. In this regard, the Supreme Court observed that where complaint was not recorded on the ground that the police station concerned had no territorial jurisdiction over the place of crime, it was certainly a dereliction of duty on the part of the police officer because any lack of territorial jurisdiction could not have prevented him from recording information about the cognizable offence and forwarding the same to the police station having jurisdiction over the area in which the crime was said to have committed.

o/c
Further Supreme Court pointed out in their order dt. 05.10.1999 in Satvinder Kaur Vs Government of NCT, Delhi (AIR 1999) that

i) "The S.H.O has statutory authority under section 156 of the Criminal Procedure Code to investigate any cognizable case for which an FIR is lodged".

ii) "At the stage of investigation, there is no question of interference under Section 482 of the Criminal Procedure Code on the ground that the Investigating Officer has no territorial jurisdiction".

iii) "After investigation is over, if the Investigating Officer arrives at the conclusion that the cause of action for lodging the FIR has not arisen within his territorial jurisdiction, then he is required to submit a report accordingly under Section 170 of the Criminal Procedure Code and to forward the case to the Magistrate empowered to take cognizance of the offence".

iv) "Further, if the Investigating Officer arrives at the conclusion that the crime was not committed within the territorial jurisdiction of the police station, then FIR can be forwarded to the police station having jurisdiction over the area in which crime is committed. But this would not

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mean that in a case which requires investigation, the police officer can refuse to record the FIR and/or investigate it”.

The M.H.A also cited the penal provisions u/s 166A of IPC (inserted after criminal Law amendment Act, 2013) which provide for penal action when a public servant fails to record FIR. The said provision states “166A whoever, being a public servant(c) fails to record any information given to him under sub-section (1) of section 154 of the code of criminal procedure, 1973, in relation to cognizable offence punishable under section 326A, section 326B, section 354, section 354B, section 370, section 370A, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or 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”.

Home department, Govt. of Tripura vide memorandum No. F.15(6)-PD/2009 dated 03.07.2013 intimated the above information for taking necessary action accordingly so that the instructions of the MHA and directions of the Hon'ble Supreme Court are complied with. Hence, all OCs of Police Stations are hereby instructed to follow the above mentioned instructions of the MHA and directions of the Hon'ble Supreme Court strictly with regard to registration of FIR irrespective of territorial jurisdiction and then transferring the FIR suitably as indicated above. Violations of these instructions will attract penal action as provided u/s 166A of IPC. All SDPOs and District SsP will ensure that the above mentioned instructions are followed strictly by the OCs of Police Stations under their command. IGP(L&O) and DIG (Range) will monitor the same.

Sd/-
(C. Balasubramanian)
Director General of Police
Tripura

Copy to:

- a) SsP West/North/South/Dhalai/ Khowai/Shipahijala/Gomati/Unakoti Districts and SP (CID) for necessary action.
- b) All SDPOs for necessary action.
- c) All OCs PSs – for strict compliance.

Copy also to:

IGP (L&O)/IGP (Int) / DyIGP (Range), Tripura for information.

Sanjay Roy
18/7/13
(Sanjay Roy)
AIGP (Crime)
For DGP, Tripura.