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THE EVOLUTION OF ZERO FIR IN INDIA

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Abstract:

The concept of "Zero FIR" represents a significant procedural innovation in Indian criminal law, aimed at ensuring immediate access to justice irrespective of territorial jurisdiction. Traditionally, investigation was closely tied to the limits prescribed under the Code of Criminal Procedure, 1973. However, judicial pronouncements particularly in Lalita Kumari v. Government of Uttar Pradesh and Satvinder Kaur v. State (Govt. of NCT of Delhi) clarified that the police are duty-bound to register an FIR upon disclosure of a cognizable offence, even where territorial jurisdiction is uncertain. The recognition of Zero FIR gained prominence following the 2012 Delhi gang rape incident and subsequent criminal law reforms. With the enactment of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), Section 173 provides implicit statutory recognition to the practice by permitting registration of information irrespective of place of occurrence. However, the BNSS does not expressly mandate prompt transfer of such FIRs to the police station having territorial jurisdiction under Section 175. This legislative silence may create practical and evidentiary complications, particularly in relation to Section 183 BNSS concerning the recording of confessions and statements by Magistrates. This article critically examines the doctrinal evolution, statutory framework, and procedural challenges of Zero FIR under the BNSS. It argues that while Zero FIR strengthens victim-centric justice and prevents procedural delays, legislative clarification is necessary to harmonise registration, investigation, and trial jurisdictions within the reformed criminal justice system.

Keywords: Zero FIR; Territorial Jurisdiction; BNSS 2023; Fair Investigation; Criminal Procedure Reform.

Introduction:

A "First Information Report" (FIR) is the earliest recorded account of the commission of an offence, documented by a police officer on the basis of information supplied either by the victim or by any other person aware of the incident. It is this information that sets the criminal law in motion and forms the foundation for the police investigation. Under the CrPC, 1973,

ISSN: 2582-6433

matters relating to information given to the police and their powers of investigation are contained in Chapter XII.[1] Section 154 of the Cr.P.C. explains the manner in which information relating to a cognizable offence is to be recorded. The corresponding provision under the Bharatiya Nagrik Suraksha Sanhita, 2023 (BNSS) is Section 173, which substantially carries forward the scheme of Section 154 with certain modifications, including recognition of electronic modes of communication.[2]

Section 154(1) Cr.P.C. (now reflected in Section 173(1) BNSS) lays down specific duties for the officer in charge of a police station:

- First, if information relating to the commission of a cognizable offence is given orally, it must be reduced into writing by the officer or under his direction.
- Second, the recorded information must be read over to the informant to ensure accuracy.[3]
- Third, whether the information was originally written or reduced to writing, it must be signed by the informant.
- Fourth, the substance of the information must be entered in the prescribed register maintained at the police station.[4]

In essence, two basic conditions must be satisfied before an FIR can be registered:

1. The communication must amount to "information" in a legal sense; and
2. Such information must, on the face of it, disclose the commission of a cognizable offence.

While the substantive offences were earlier defined under the Indian Penal Code, 1860 (IPC), they are now contained in the Bharatiya Nyaya Sanhita, 2023 (BNS). Regardless of whether the alleged act falls under the IPC (prior to its repeal) or under the BNS, the procedural requirement remains that once information reveals a cognizable offence, the police are duty-bound to register the FIR in accordance with Section 154 Cr.P.C. or Section 173 BNSS, as the case may be.[5]

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[1] Code of Criminal Procedure, 1973, ch. XII
[2] Code of Criminal Procedure, 1973, § 154
[3] Ramesh Kumari v. State (NCT of Delhi), 2006)
[4] Lalita Kumari v. Government of Uttar Pradesh, *AIR 2014 SC 187*
[5] Bajpai, 2023

ISSN: 2582-6433

The territorial jurisdiction of the Police:

The recording of an FIR marks the formal commencement of investigation into an alleged offence.[6] Under Section 156 of the Code of Criminal Procedure, 1973, the authority of a police station to investigate is ordinarily confined to the territorial limits within which the court competent to inquire into or try the offence exercises jurisdiction.[7] In simple terms, the police station that falls within the territorial jurisdiction of the relevant criminal court is empowered to conduct the investigation. The parallel provision under the Bharatiya Nagrik Suraksha Sanhita, 2023 is Section 175, which substantially retains this linkage between investigative authority and the territorial jurisdiction of the court.[8]

At the same time, Section 156(2) of the Cr.P.C. (now reflected in Section 175(2) of the BNSS) clarifies that the validity of investigative proceedings cannot be challenged merely on the ground that the police officer lacked territorial competence.[9] This clause operates as a protective measure, ensuring that investigations are not invalidated at a later stage solely due to technical objections regarding jurisdiction.[10] Further, Section 170 of the Cr.P.C., corresponding to Section 190 of the BNSS, provides that when, upon completion of investigation, the officer in charge concludes that sufficient evidence or reasonable grounds exist to proceed, the accused shall be forwarded in custody to a Magistrate empowered to take cognizance of the offence on a police report and either try the case or commit it for trial.[11] These procedural provisions operate irrespective of whether the alleged offence was earlier governed by the Indian Penal Code, 1860 or is now punishable under the Bharatiya Nyaya Sanhita, 2023, since the substantive definition of offences and the procedural mechanism for investigation function in tandem.[12]

When these provisions are read together, the legal position becomes clear: disclosure of a cognizable offence obliges the police to register an FIR, even if questions regarding territorial jurisdiction arise. The procedural law does not expressly forbid a police officer from recording such information merely because the offence may have been committed elsewhere. If, during the course of investigation, it becomes evident that the occurrence took place outside

[6] Ratanlal, & Dhirajlal. (2022). *The Code of Criminal Procedure* (24th ed.). LexisNexis.
[7] *The Code of Criminal Procedure, 1973* (Act No. 2 of 1974), § 156.
[8] The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No. 46 of 2023), § 175.
[9] *The Code of Criminal Procedure, 1973*, § 156(2).
[10] H.N. Rishbud v. State of Delhi, AIR 1955 SC 196.
[11] *The Bharatiya Nagarik Suraksha Sanhita, 2023*, § 190.
[12] *The Bharatiya Nyaya Sanhita, 2023* (Act No. 45 of 2023). Government of India.

ISSN: 2582-6433

the territorial limits of the police station, the matter may be transmitted to the police station having proper jurisdiction. However, the absence of territorial jurisdiction cannot serve as a justification for refusing to register the FIR or for declining to undertake necessary investigative steps at the initial stage.[13]

Mandatory registration of FIR:

There is a clear provision in s. 154 Cr.P.C. for registration of FIR in case of a cognizable offence. However, whether the FIR needs to be registered immediately upon the receipt of information regarding the cognizable offence or whether the police should apply its mind regarding essential statutory aspects having been complied with, was a debatable point. This issue has now been settled by the Supreme Court in the case of *Lalita Kumari vs. Govt. of U.P. & Ors*[14]. In such case, the constitutional bench of the Court held that the FIR should be registered immediately.

Meaning of Zero FIR:

As already discussed above, in terms of s. 154 of Cr.P.C (173 BNSS), if any information relating to the commission of any cognizable offence is received by a Police Station, the Police is duty-bound to register the FIR. However, if the crime does not occur within the jurisdiction of the said Police Station, the Police are still duty-bound to register an FIR where the information about a cognizable offence is received. Such an FIR is termed as **'Zero FIR.'** After registration of the 'Zero FIR,' the same has to be transferred to the concerned Police Station where the offence has indeed been committed. Thus, a Zero FIR can be registered in any police station where information about a cognizable offence is received, irrespective of whether it has territorial jurisdiction or not.

The concept of "Zero FIR" has long been recognized in Indian Legal practice, even though it initially evolved without an express statutory provision. It permits any police station to record information relating to a cognizable offence, even when the offence did not occur within its territorial jurisdiction. After registration, the case is transferred promptly to the police station that has the authority to investigate the matter. This mechanism is particularly significant in cases involving sexual offences or crimes against women. Whenever information

[13] *Satvinder Kaur v. State (Govt. of NCT of Delhi) & Anr., (1999) 8 SCC 728*)
[14] *AIR 2014 SC 187*

ISSN: 2582-6433

disclosing a cognizable offence especially one concerning violence or sexual assault against a woman is brought before a police station, the officer in charge is obligated to register an FIR, regardless of where the incident took place. If the offence occurred outside the station's territorial limits, the complaint must still be recorded as a "Zero FIR" and then forwarded to the competent police station, which will formally re-register the FIR and initiate investigation proceedings.[15]

Rationale and Evolution of Zero FIR

The concept of Zero FIR gained wider public recognition after the 2012 Delhi gang rape incident, commonly referred to as the Nirbhaya case.[16] Following that tragic event, a committee headed by J. S. Verma examined reforms relating to crimes against women.[17] Although the practice of registering FIRs without insisting on territorial jurisdiction existed earlier, it was strongly reinforced in the reform discourse that followed the Committee's report and the enactment of the Criminal Law (Amendment) Act, 2013.[18]

The essential distinction between a regular FIR and a Zero FIR lies in the place of registration. A regular FIR is typically lodged at the police station within whose jurisdiction the offence occurred. A Zero FIR, on the other hand, may be filed at any police station, regardless of where the incident took place. The objective is to prevent delay and ensure that victims are not turned away merely because of territorial technicalities. Judicial acknowledgment of this facilitative approach can be seen in *Neelu Shrivastava v. State & Ors.*[19], where the importance of prompt registration was emphasized.

The idea of "Zero FIR" originated from the recommendations of the Justice Verma Committee in its report dated 23 January 2013, and that it subsequently gained recognition through the Criminal Law (Amendment) Act, 2013 enacted after the December 2012 Nirbhaya incident. However, this understanding is not entirely accurate, as the practice of registering a Zero FIR had already been functioning within police procedure prior to these developments. This misconception is reflected in certain judicial observations as well. For instance, in *Kirti*

[15] **https://www.livelaw.in/articles/zero-fir-police-station-jurisdiction-bnss-275051**
[16] Mukesh v. State (NCT of Delhi), (2017) 6 SCC 1
[17] Government of India. (2013). Report of the Committee on Amendments to Criminal Law (Chairperson: Justice J. S. Verma). Ministry of Home Affairs.
[18] Parliament of India. (2013). The Criminal Law (Amendment) Act, 2013 (Act No. 13 of 2013). Government of India.
[19] 2021 SCC OnLine Del 5158

ISSN: 2582-6433

Vashisht v. State & Ors., decided on 29 November 2019, Justice Suresh Kumar Kait of the Delhi High Court noted in paragraph 17 that the concept of Zero FIR emerged as a recommendation of the Justice Verma Committee and found place in the amended criminal law following the Nirbhaya case.[20] The judgment observed that a Zero FIR may be registered at any police station by a victim, irrespective of the victim's place of residence or the location where the offence occurred. In addition to this observation, the Court directed the Commissioner of Police, Delhi, to issue appropriate circulars or standing orders to all police stations in the National Capital Territory of Delhi. The directions clarified that whenever information regarding a cognizable offence is received at a police station, and the offence is found to have taken place within the territorial jurisdiction of another station, the receiving police station must register a Zero FIR instead of refusing the complaint. Thereafter, the case should be transferred to the competent police station for further investigation in accordance with law.[21]

The "Nirbhaya" incident of 16 December 2012 was an appalling crime that deeply disturbed the conscience of the nation. A 22-year-old physiotherapy intern and her male companion were deceived into boarding what they believed to be a public bus in South Delhi. Inside the vehicle, at Munirka, they were brutally assaulted by six individuals, including the driver. The young woman was subjected to extreme sexual violence, while her friend was mercilessly beaten. Both victims were later thrown onto the roadside in a grievously injured condition. She was first admitted to Safdarjung Hospital and later transferred to Mount Elizabeth Hospital for advanced treatment, where she tragically passed away on 29 December 2012.[22]

In the aftermath, the Government constituted a high-level committee under the chairmanship of former Chief Justice of India J. S. Verma, with Justice Leila Seth and Senior Advocate Gopal Subramanium as members. The Committee was tasked with recommending comprehensive reforms to criminal law relating to offences against women, including broader definitions of sexual assault, enhanced punishments, and improved victim protection mechanisms. These recommendations eventually informed the Criminal Law (Amendment)

[20] Kirti Vashisht v. State & Ors., 2019 SCC OnLine Del 11857 (India).
[21] *Ibid.*
[22] Mukesh v. State (NCT of Delhi), (2017) 6 SCC 1 (India)

ISSN: 2582-6433

Act, 2013.[23]

However, a careful reading of the Committee's report and the 2013 Amendment Act does not reveal any specific recommendation formally introducing the concept of "Zero FIR." Nor was Section 154 of the Code of Criminal Procedure, 1973 amended to expressly incorporate such a provision. Section 154 remained unchanged until the Cr.P.C. was repealed with effect from 1 July 2024 by the enactment of the Bharatiya Nagrik Suraksha Sanhita, 2023 (BNSS).[24]

Section 173 of the BNSS, which broadly corresponds to Section 154 Cr.P.C., for the first time appears to statutorily recognize the essence of what is commonly understood as "Zero FIR." It provides that information relating to the commission of a cognizable offence may be given to an officer in charge of a police station, irrespective of the place of occurrence. Although the term "Zero FIR" is not expressly used, the provision implicitly acknowledges the practice. Nevertheless, Section 173 does not expressly mandate the transfer of such an FIR to the police station having territorial jurisdiction for re-registration and further investigation.[25]

Under Section 173, if information regarding an offence committed outside the territorial limits of a police station is furnished, the Station House Officer (SHO) is obliged to record it in the FIR Register. [26]Yet, Section 175(1) of the BNSS corresponding to Section 156(1) Cr.P.C. confers investigative authority upon the SHO within the territorial jurisdiction of the court competent to inquire into or try the offence.[27] Ordinarily, this implies that only the SHO of the police station where the offence occurred should investigate it.[28]

This creates a statutory tension. For example, if a cognizable offence occurs in Kochi, Kerala, but the FIR is lodged in Punjab, Section 173 obliges the Punjab SHO to register the FIR. Section 173(3) further empowers that SHO to conduct a preliminary enquiry in offences punishable with imprisonment between three and seven years to determine whether a prima facie case exists. If such a case is found, the SHO must continue the investigation. However,

[23] Government of India. (2013). *Report of the Committee on Amendments to Criminal Law* (Chairperson: Justice J. S. Verma). Ministry of Home Affairs.
[24] Singh, A. (2024). *Commentary on Bharatiya Nagarik Suraksha Sanhita, 2023*. Eastern Book Company.
[25] *Ibid.*
[26] Bharatiya Nagarik Suraksha Sanhita, 2023, § 173(1).
[27] Bharatiya Nagarik Suraksha Sanhita, 2023, § 175(1); Code of Criminal Procedure, 1973, § 156(1).
[28] State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335; H.N. Rishbud v. State of Delhi, AIR 1955 SC 196.

ISSN: 2582-6433

Section 175(1) preserves the territorial investigative authority of the jurisdictional SHO. The absence of an explicit statutory mechanism requiring prompt transfer of a "Zero FIR" to the competent police station results in an apparent inconsistency within the framework.

Although the Ministry of Home Affairs has issued a Standard Operating Procedure (SOP) outlining steps for implementing "Zero FIR" and "e-FIR" under Section 173 of the BNSS including directions that the initial police station register the Zero FIR and transfer it to the jurisdictional police station for re-registration the SOP itself describes these directions as merely suggestive guidelines.[29] This raises an important legal question: in the absence of an explicit statutory mandate in Section 173, can an executive SOP effectively supplement or modify the statutory scheme?[30]

The issue becomes more complex when viewed in light of the Constitution Bench decision in *Lalita Kumari v. Government of Uttar Pradesh*.[31] In that landmark ruling, the Supreme Court held that registration of an FIR is mandatory when information discloses a cognizable offence, though a preliminary enquiry may be conducted in limited categories of cases to determine whether a cognizable offence is made out. Importantly, such enquiry was envisaged prior to formal registration and was not meant to test the truthfulness of the complaint but merely to ascertain whether the information revealed a cognizable offence.[32]

Section 173(3) of the BNSS, however, contemplates a preliminary enquiry after registration of the FIR to determine whether a prima facie case exists and, if so, directs continuation of investigation. This approach marks a significant departure from the principles articulated in Lalita Kumari. It also appears to conflict with Section 176(1) of the BNSS (corresponding to Section 157 Cr.P.C.),[33] which outlines the circumstances under which an SHO may commence investigation upon having reason to suspect commission of an offence within jurisdiction.

[29] Ministry of Home Affairs, Government of India. (2024). *Standard Operating Procedure on Registration of Zero FIR and e-FIR under Section 173 of the BNSS*.
[30] State of Madhya Pradesh v. Thakur Bharat Singh, AIR 1967 SC 1170 (executive instructions cannot override statute); Sant Ram Sharma v. State of Rajasthan, AIR 1967 SC 1910 (executive instructions may supplement but not supplant statutory rules).
[31] *Id.*
[32] Lalita Kumari v. Government of Uttar Pradesh, (2014) 2 SCC 1.
[33] Bharatiya Nagarik Suraksha Sanhita, 2023, § 173(3).

ISSN: 2582-6433

Thus, Section 173(3) introduces a structural inconsistency—not only with the judicial mandate in Lalita Kumari, but also internally with Sections 175 and 176 of the BNSS. The statutory framework, while seeking to formalize the practice of "Zero FIR," leaves unresolved contradictions regarding territorial jurisdiction, preliminary enquiry, and investigative authority.

It is unclear whether certain decisions of the Constitutional Courts influenced the drafters of the Bharatiya Nagrik Suraksha Sanhita, 2023 (BNSS) in omitting an express provision mandating the transfer of a "Zero FIR" to the police station having territorial jurisdiction. If that omission was shaped by judicial reasoning suggesting that a police station which registers a Zero FIR must itself carry out the investigation despite lacking territorial jurisdiction, such a position, with respect, appears open to serious reconsideration. A review of judicial trends in cases involving FIRs registered outside territorial limits reveals a nuanced position.

In *State of Andhra Pradesh v. Punati Ramulu*[34], the Supreme Court held that a Station House Officer (SHO) cannot refuse to record information about a cognizable offence merely because the offence was committed outside his territorial jurisdiction. The Court clarified that the proper course is to record the FIR and then forward it to the police station having jurisdiction. Although the term "Zero FIR" was not expressly used, this decision effectively laid the foundation for the practice: registration first, transfer thereafter. This approach aligns with both administrative practicality and the statutory scheme.

Similarly, in *Satvinder Kaur v. State (NCT of Delhi)*[35], a two-Judge Bench reiterated that an SHO cannot decline to register an FIR on the ground of lack of territorial jurisdiction and must forward the matter to the appropriate police station. However, the further observation in that judgment that a police officer cannot refuse to investigate solely on the ground of territorial jurisdiction raises doctrinal concerns. Such a view appears inconsistent with the statutory structure reflected in Section 175(1) of the BNSS (corresponding to Section 156(1) of the Cr.P.C.), which ties investigative authority to territorial jurisdiction.

To illustrate, if a cognizable offence is committed in Kochi, Kerala, but an FIR is

[34] AIR 1993 SC 2644
[35] AIR 1999 SC 3596

ISSN: 2582-6433

registered at a police station in Punjab under Section 173(1) of the BNSS, permitting the Punjab police to conduct the entire investigation may create serious practical and legal complications. Apart from conflicting with Sections 175(1) and 176(1) of the BNSS (analogous to Sections 156(1) and 157(1) Cr.P.C.), such a course would involve logistical challenges, including geographical distance, language differences, evidentiary coordination, and difficulties in producing witnesses before the competent court. These factors could delay justice and disturb the alignment between investigative and trial jurisdiction.

In *Asit Bhattacharjee v. Hanuman Prasad Ojha*[36] (AIR 2007 SC 1925), the cause of action arose partly within the jurisdiction of a police station in Kolkata and partly in Uttar Pradesh. The complaint was forwarded by the Chief Metropolitan Magistrate, Kolkata, to the SHO of Shakespeare Sarani Police Station. Although the Allahabad High Court directed transfer of the case to a police station in Uttar Pradesh, the Supreme Court set aside that direction. It held that since part of the cause of action had arisen in Kolkata, the Magistrate there possessed jurisdiction, and consequently, the SHO of the concerned Kolkata police station was competent to investigate. The decision turned on the presence of territorial nexus, not on a blanket proposition that any non-jurisdictional police station could investigate.

A similar principle was applied in Naresh Kavarchand Khatri v. State of Gujarat. There, the cause of action arose within the jurisdictions of both the District Crime Branch Police Station at Vadodara and another police station. The Gujarat High Court transferred the investigation at the request of the accused, but the Supreme Court reversed that order. It held that since part of the cause of action arose within Vadodara, investigation by that police station was valid and could not be challenged in view of Section 156(2) Cr.P.C., which bars objections to investigation on the ground of territorial jurisdiction when some nexus exists.

These decisions demonstrate that where part of the cause of action arises within a police station's territorial limits, investigation by that station is legally sustainable. However, they do not necessarily justify a situation where a police station entirely lacking territorial nexus proceeds to investigate solely because it initially registered a Zero FIR. The distinction is significant. The principle emerging from earlier precedents, particularly *Punati Ramulu*, suggests that registration without jurisdiction is permissible to safeguard prompt access to

[36] AIR 2008 SC 2180.

ISSN: 2582-6433

justice, but investigation should ordinarily be undertaken by the police station having lawful territorial competence.

Therefore, a clear statutory mandate within Section 173 of the BNSS requiring prompt transfer of a Zero FIR to the jurisdictional police station would have avoided interpretative ambiguities and harmonized the provisions relating to registration and investigation.

In *Rasiklal Dalpatram Thakker v. State of Gujarat*[37], the issue before the Supreme Court was whether the SHO of a police station at Ahmedabad, to whom a complaint had been forwarded under Section 156(3) of the Code of Criminal Procedure, 1973, could decline to investigate on the ground that the alleged offence had taken place in Mumbai and, instead, submit a report recommending transfer to a Mumbai police station. The Court held that since the substantial part of the cause of action had arisen in Gujarat, the SHO at Ahmedabad was duty-bound to carry out the investigation as directed by the Magistrate. The decision relied, inter alia, on Section 156(2) Cr.P.C.

However, it may be argued that reliance on Section 156(2) was somewhat misplaced. That provision does not independently confer territorial jurisdiction upon a police station otherwise lacking it under Section 156(1). Rather, Section 156(2) is intended to protect investigations conducted in good faith from being invalidated merely on technical objections regarding territorial competence. It serves as a validating clause, not as a substantive source of jurisdiction.

There is yet another dimension to the issue. If a police station in Punjab were permitted not only to register but also to investigate an offence committed entirely in Kochi, Kerala, practical and legal inconsistencies could arise. Under Section 167(2) Cr.P.C. (now corresponding to Section 187(2) of the BNSS, 2023), the jurisdictional Magistrate alone has authority to grant default bail when the investigation is not completed within the prescribed period. Yet, if a non-jurisdictional SHO were allowed to exercise investigative powers, questions may surface regarding interim bail powers and custodial authority. Such a scenario suggests a fragmentation between investigative control and judicial supervision an outcome unlikely to have been intended by the legislature.

[37] AIR 2010 SC 715; (2010) 1 SCC 1.

ISSN: 2582-6433

Further complications arise under Section 183 of the BNSS (corresponding broadly to Section 164 Cr.P.C.), which provides that a confession or statement shall be recorded by a Magistrate of the district in which information regarding the offence has been registered. If an FIR concerning an offence committed in Kochi is registered in Punjab under Section 173 of the BNSS, and there is no statutory mandate for transfer, then the Magistrate competent to record confessions or statements would technically be located in Punjab. This would disconnect the evidentiary process from the place of occurrence, potentially affecting convenience of witnesses, production of accused, and overall coherence of the trial process.[38]

For these reasons, Section 173 of the BNSS ought ideally to contain an express provision requiring the prompt transfer of a "Zero FIR" to the police station having territorial jurisdiction under Section 175(1) of the BNSS. Correspondingly, Section 183 may also warrant reconsideration so as to permit a Magistrate in the district where the offence occurred to record confessions and statements, thereby aligning investigative, evidentiary, and trial jurisdictions.[39]

Enquiry or Investigation in Cases of Zero FIR

A "Zero FIR" operates as an exception to the usual practice of assigning a regular serial number to an FIR at the time of registration. Ordinarily, every FIR entered in a police station register is given a specific number in chronological order. In contrast, a Zero FIR is recorded without allocating it a regular serial number at the initial stage, since it may not fall within the territorial limits of that police station.[40]

Once such information disclosing a cognizable offence is recorded, the police are not powerless. They may undertake necessary preliminary steps or immediate action based on the Zero FIR. If, upon assessment, the officer in charge concludes that the offence occurred outside his territorial jurisdiction, the FIR along with relevant documents can be forwarded to the police station having lawful jurisdiction. The receiving police station then assigns a regular FIR number and proceeds with the formal investigation.[41]

[38] *The Bharatiya Nagarik Suraksha Sanhita, 2023* (Act No. 46 of 2023), § 183;. *The Code of Criminal Procedure, 1973* (Act No. 2 of 1974), § 164.
[39] Ibid., § 173
[40] Kirti Vashisht v. State & Ors., 2019 SCC OnLine Del 11857.
[41] Satvinder Kaur v. State (Govt. of NCT of Delhi), (1999) 8 SCC 728; Naresh Kavarchand Khatri v. State of Gujarat, (2008) 8 SCC 300.

ISSN: 2582-6433

Thus, when information clearly reveals a cognizable offence whether earlier punishable under the Indian Penal Code, 1860 or now under the Bharatiya Nyaya Sanhita, 2023 the immediate concern is not territorial limitation but prompt registration. Procedurally, this obligation stems from Section 154 of the CrPC, 1973 and is now reflected in Section 173 of the BNSS, 2023, which mandates recording of information relating to cognizable offences irrespective of place of occurrence.

Objectives of Zero FIR

1. **Prompt Registration of Complaints**

   The foremost purpose of Zero FIR is to guarantee that information about a cognizable offence is recorded without delay. It prevents victims from being redirected from one police station to another at the initial stage.

2. **Overcoming Territorial Barriers**

   Jurisdictional disputes often result in procedural delays. Zero FIR minimizes such obstacles by allowing the first police station approached to register the complaint and subsequently transfer it to the competent station for detailed investigation, consistent with Section 156 Cr.P.C. and Section 175 BNSS.

3. **Safeguarding Victims and Witnesses**

   Timely documentation of allegations strengthens the protection of victims and witnesses. Immediate recording of information reduces the risk of evidence loss and reassures complainants that the criminal justice process has begun.

4. **Strengthening Law Enforcement Response**

   By activating the investigative mechanism at the earliest point, Zero FIR ensures that the police machinery responds swiftly. Even if the substantive offence now falls under the Bharatiya Nyaya Sanhita, 2023 instead of the repealed IPC, the procedural duty to register and act promptly remains anchored in Section 173 BNSS (earlier Section 154 Cr.P.C.).

   In essence, Zero FIR is designed as a victim-centric procedural safeguard. It prioritizes access to justice over rigid adherence to territorial boundaries, while still preserving the ultimate investigative authority of the police station that has lawful jurisdiction under Section 175 of the BNSS (formerly Section 156 Cr.P.C.).

ISSN: 2582-6433

Remedies Where Zero FIR Is Refused

If the officer in charge of a police station declines to register a Zero FIR despite disclosure of a cognizable offence, the remedies available are the same as those applicable in cases of refusal to register a regular FIR. The duty to record such information flows from Section 154 of the Code of Criminal Procedure, 1973 and is now reflected in Section 173 of the BNSS, 2023.

Where an police officer fails to perform this statutory obligation, the aggrieved person may invoke Section 154(3) Cr.P.C. (corresponding to Section 173(4) BNSS) by submitting the substance of the information in writing to the Superintendent of Police. Upon being satisfied that the information discloses a cognizable offence, the Superintendent may either undertake the investigation personally or direct a subordinate officer to proceed in accordance with law.[42]

If this course of action also Proves ineffective, the complainant may approach the jurisdictional Magistrate under Section 156(3) Cr.P.C. (now paralleled by Section 175(3) BNSS), seeking a direction for registration of the FIR and commencement of investigation. Judicial intervention at this stage ensures that police inaction does not defeat access to criminal justice.[43]

It is thus well settled that when information reveals a cognizable offence whether earlier punishable under the IPC, 1860 or now under the BNSS, 2023 the police are empowered, and indeed obligated, to register an FIR even if the offence was committed outside their territorial jurisdiction. If the place of occurrence lies elsewhere, the appropriate course is to register the complaint (often as a Zero FIR) and transfer it to the competent police station for investigation.

Penal Consequences for Refusal to Register FIR

Section 166A(c) of the IPC (198 BNS), 1860 makes it a punishable offence for a public servant to fail to record information relating to specified serious offences, including sexual offences and acid attacks, when such information is given under Section 154(1) Cr.P.C (173 BNSS). [44]The provision prescribes rigorous imprisonment ranging from six months to two years, along with fine. The equivalent penal provision now finds place in the Bharatiya Nyaya

[42] The Code of Criminal Procedure, 1973, § 154(3), The Bharatiya Nagarika Suraksha Sanhita, 2023, § 173(4).
[43] The Code of Criminal Procedure, 1973, § 156(3), The Bharatiya Nagarika Suraksha Sanhita, 2023, § 175(3).
[44] The Code of Criminal Procedure, 1973, § 154(1), The Bharatiya Nagarika Suraksha Sanhita, 2023, § 173.

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Sanhita, 2023, which similarly criminalizes wilful failure of a public servant to register information regarding certain grave offences.[45]

Judicial pronouncements have reinforced this accountability. The Karnataka High Court, directed that even where the alleged offence occurred outside the territorial jurisdiction of the police station, the FIR must still be registered and thereafter transferred to the appropriate police station. The Court further clarified that non-compliance could expose the erring officer to prosecution under Section 166A IPC and to departmental proceedings. In implementation of these directions, the Karnataka Police issued a circular mandating strict adherence to the principle of Zero FIR.[46]

Likewise, in *Kirti Vashisht v. State & Ors*[47]., the Delhi High Court emphasized that refusal to register a Zero FIR on the ground of territorial jurisdiction is impermissible. Pursuant to the judgment, the Delhi Police circulated instructions dated 20 December 2019 to ensure compliance by all police stations. *Even in Ramesh Kumari vs Govt. of NCT Delhi*[48]the Supreme Court held that a police officer is bound to register a case upon receiving information of a cognizable offence, validating the necessity of swift action, which forms the basis for Zero FIRs.

Conclusion:

A Zero FIR enables registration of information relating to a cognizable offence at any police station, irrespective of territorial boundaries. Its purpose is to remove procedural hurdles, ensure prompt action, and protect victims from being turned away on technical grounds. If a police officer refuses to register such information, statutory remedies are available through the Superintendent of Police and the Magistrate. In addition, deliberate refusal may attract penal liability under the substantive criminal law and departmental consequences. The consistent issuance of judicial directions and administrative circulars underscores the importance of this mechanism in strengthening victim access to justice and ensuring timely investigation of cognizable offences.

[45] The Indian Penal Code, 1860, § 166 A(C).
[46] W.P. No. 30666/2019 (decided on 19 September 2019).
[47] 2019 SCC OnLine Del 11713.
[48] AIR 2006 SC 1322.

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While the inclusion of the concept of "Zero FIR" in Section 173(1) of the BNSS represents a progressive step toward ensuring immediate access to the criminal justice system, the absence of a clear statutory mandate for transfer creates interpretative and practical ambiguities. Incorporating an explicit transfer mechanism consistent with the Standard Operating Procedure issued by the Central Government would harmonise the statutory framework and prevent jurisdictional conflicts.