

Understanding FIR: A Landmark Reform in India's Criminal Judiciary System

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Abstract

The FIR system in India represents a landmark reform, promoting justice by ensuring that law enforcement operates under greater scrutiny and that victims' rights are protected. While challenges persist, ongoing efforts toward reform, particularly through digital tools and judicial oversight, are paving the way for a more responsive and transparent criminal justice system. As the system evolves, the commitment to ensuring prompt, fair, and impartial registration and investigation of crimes remains crucial to uphold the rule of law and access to justice in India.

Meaning of FIR

An **FIR** (First Information Report) is a written document prepared by the police when someone reports a crime. It is the first step in the legal process and serves as an official record of the complaint. The FIR contains details such as:

- What happened (the crime or incident).
- When and where it happened.
- Names and descriptions of people involved, if known.
- Any witnesses or evidence, if available.

Purpose and significance of FIR

The purpose of an FIR is to officially record the details of the offence, such as what happened, when and where it happened, who was involved, and other key facts. It is typically lodged by the victim, a witness, or anyone who has knowledge of the crime. Once the FIR is registered, the police can begin their investigation, which may include collecting evidence, questioning people, and making arrests if necessary. The FIR is crucial because it sets the legal process in motion and ensures that the authorities are formally notified of the crime. It is also used later in court as an important document in the case. However, filing an FIR does not mean someone is immediately guilty—it is just a record to initiate inquiries.

Significance

The **First Information Report (FIR)** plays a crucial role in the criminal justice system because it is the starting point for any criminal investigation. It is a formal document prepared by the police when someone reports a crime, and it contains the basic details of the offence, such as what happened, when it happened, where it happened, and who may be involved. Here's why the FIR is so significant:

1. Starting the Legal Process

The FIR is the first official step in addressing a crime. Without it, the police cannot begin investigating

the case. It acts as a record that a specific crime has been reported, making it the foundation for further legal action.

2. Record of the Crime

The FIR serves as an official record of the complainant's version of events. It ensures that the crime is documented in detail, which can later be used as evidence during the trial. It also helps establish the time and nature of the crime, which can be crucial in solving the case.

3. Police Accountability

Once an FIR is filed, the police are legally obligated to act. This means they must investigate the case, gather evidence, and take steps to bring the accused to justice. The FIR helps ensure that the police take the reported crime seriously and follow through with their responsibilities.

4. Legal Rights of the Victim

For the person reporting the crime (the complainant), the FIR is important because it gives them a record of their complaint. It also allows them to follow up on the case and seek justice. If the police refuse to act, the complainant can use the FIR to approach higher authorities or the courts.

5. Transparency in the System

By filing an FIR, the entire criminal justice process becomes more transparent. It ensures that there is a written record that can be referred to at any time. This reduces the chances of police inaction or misconduct.

6. Role in the Court Process

During a trial, the FIR becomes an important piece of evidence. It shows the initial details of the crime and helps establish the sequence of events. However, it is not the final word; the investigation that follows builds upon it to uncover the complete truth.

Provision of FIR under Bharatiya Nagarik Shurksha Sahita ,2023

The **Bharatiya Nagarik Suraksha Sahita (BNSS), 2023**, modernizes India's criminal procedure laws, including the registration and handling of First Information Reports (FIRs). Here are the key provisions related to FIRs under this law:

1. Registration of FIRs (Section 173):

- Any individual with knowledge of a cognizable offence can report it to the police, regardless of whether they are directly affected or a witness.
- Information can be communicated orally or electronically. If given orally, the police must write it down, read it back to the informant, and get their signature. Electronic submissions must be formally signed within three days.

2. Recording by Female Officers:

- In cases involving offences against women (e.g., sexual offences or domestic violence), a female officer or an authorised woman must record the FIR. This ensures victim sensitivity.
- For individuals with disabilities, the recording can occur at their residence or a convenient location, using interpreters or special educators as needed.

3. Special Recording Protocols:

- Information involving sensitive cases must be documented via video and promptly verified by a magistrate.

4. Preliminary Inquiry for Certain Offences:

- For crimes carrying a penalty of 3–7 years of imprisonment, police may, with approval from a Deputy

Superintendent of Police, conduct a 14-day preliminary inquiry to determine if an FIR is warranted.

5. Free Copy to Informants:

- The informant or victim must receive a free copy of the FIR to ensure transparency.

6. Use of Technology:

- FIRs must be documented in a standardized digital format, improving accountability and accessibility across jurisdictions.

These provisions aim to streamline the process, protect victims' rights, and minimise misuse of the system, all while ensuring quicker access to justice. The BNSS replaces the CrPC, 1973, as part of India's broader legal reforms [10] [11] [12] .

E-FIR

An **e-FIR** (Electronic First Information Report) is an online system introduced in India that allows citizens to report cognizable offences to the police electronically, making the process quicker and more accessible. This system has been implemented to facilitate easy and efficient registration of FIRs, especially in cases that do not require immediate police intervention. It also helps reduce the burden on physical police stations and improves the overall efficiency of the justice system.

Key Features of e-FIR:

- 1. Convenience and Accessibility:** Citizens can lodge an FIR from anywhere, at any time, through a dedicated website or mobile app, without having to visit the police station physically. This is especially helpful for individuals in remote areas or those with mobility challenges.
- 2. Types of Offences:** e-FIRs are typically applicable for non-urgent, cognizable offences, such as theft, vehicle accidents, or certain types of harassment. Serious crimes or cases that require immediate investigation still need to be reported in person.
- 3. Process of Filing:** The process generally involves logging onto the police department's official website or app, filling out a form with details about the crime (e.g., the nature of the offence, date, time, and location), and submitting it electronically. The system may then auto-generate a reference number that serves as proof of filing.
- 4. Confirmation and Investigation:** Once an e-FIR is filed, the police station receives the report and an acknowledgment is sent to the complainant. This system ensures a quicker response, with investigations starting as soon as possible. In certain cases, the police may need to verify the complaint further before formally registering the case.
- 5. Transparency:** e-FIR enhances transparency as it creates a digital record that can be tracked and monitored by both the police and the complainant. It also helps minimise the potential for human error or misconduct during the registration process.

Preliminary enquiry

A **preliminary enquiry** (PE) is a process conducted by the police before registering a formal **First Information Report (FIR)** in certain cases, particularly where there is uncertainty about whether a cognizable offence has occurred or whether there is enough evidence to warrant a full investigation. This helps ensure that the police only pursue cases with a reasonable basis, preventing the filing of frivolous or false complaints.

Purpose of Preliminary Enquiry:

1. **Verify the Allegation:** The PE helps the police assess whether there is sufficient ground to proceed with an FIR and initiate a formal investigation. It aims to determine the credibility of the complaint and gather initial facts.
2. **Protect Against False or Vexatious Complaints:** By conducting a brief enquiry before the FIR, the police can filter out complaints that may be false, fabricated, or lack any substantial evidence, preventing unnecessary investigations.
3. **Efficiency in Handling Cases:** A PE allows law enforcement to prioritise serious cases and ensure resources are used efficiently. It also allows police officers to clarify whether the case falls under the appropriate legal provisions for criminal prosecution.

How a Preliminary Enquiry Works:

1. **Conducting the PE:** During the enquiry, the police may interview witnesses, collect basic information, and check available evidence, such as documents, videos, or other records. The enquiry typically lasts a short period (e.g., 14 days), depending on the severity and complexity of the case.
2. **Decision Making:** After the enquiry, the police can decide whether to:
 - a. Register an FIR and begin a formal investigation.
 - b. Take no action if the evidence does not support the claim.
 - c. Recommend an alternative resolution, such as mediation or civil legal action, if appropriate.
3. **Legal Framework:** Under the **Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023**, as well as the earlier **Criminal Procedure Code (CrPC)**, certain offences that carry a penalty of 3 to 7 years of imprisonment may require a PE before an FIR is lodged.
4. **Preliminary Enquiry in Specific Cases:** In the **BNSS**, certain crimes require a PE, including non-urgent offence's where there may not be clear evidence initially or where further investigation is needed to determine if an FIR should be registered. For example, complaints related to certain types of theft or minor frauds might go through a PE to confirm if a criminal case is warranted.

Concept of Zero FIR

A **Zero FIR** is a unique provision in the Indian legal system that allows individuals to file a First Information Report (FIR) at any police station, regardless of where the crime occurred. This concept was introduced to ensure that victims of crimes, especially those in urgent need of help, do not face delays due to jurisdictional issues. Typically, an FIR must be registered at the police station under whose jurisdiction the crime took place, but with a **Zero FIR**, a victim can lodge a report anywhere, and it will later be transferred to the appropriate police station.

Key Features of Zero FIR:

1. **Filing at Any Police Station:** A Zero FIR can be filed at any police station, even if the crime has occurred outside the station's jurisdiction. This is particularly helpful in emergencies when immediate action is required and the victim might not be able to visit the police station where the crime occurred.
2. **Transfer to the Relevant Police Station:** Once a Zero FIR is filed, the police are required to transfer it to the appropriate police station for further investigation. This ensures that the case is not delayed due to jurisdictional complications.
3. **Ensures Prompt Action:** The idea behind Zero FIR is to avoid the delay in justice that might occur if a victim is told to go to a

4. different police station due to jurisdictional constraints. This is especially important in cases like sexual assault, abduction, or other emergencies, where time is critical.
5. **No Preliminary Inquiry Needed:** Unlike the preliminary enquiry process where the police may investigate the facts before deciding whether to register an FIR, Zero FIR bypasses that step. The victim's complaint is directly recorded, and the police take immediate action to transfer the report to the correct jurisdiction.

Mandatory Registration

Mandatory registration of FIR is a legal requirement that obligates police officers to register a First Information Report (FIR) when they receive information about the commission of a cognizable offence. This provision ensures that victims and informants have access to justice and that police take action on serious crimes without delay.

Key Aspects of Mandatory Registration of FIR:

1. **Legal Obligation of Police:** Under Indian law, particularly Section 154 of the **Criminal Procedure Code (CrPC)**, it is mandatory for the police to register an FIR when they receive information about a cognizable offence, i.e., an offence for which the police can make an arrest without a warrant. If the police officer refuses to register the FIR, the informant has the right to approach a higher authority or directly go to court for redressal.
2. **Preventing Police Inaction:** This provision aims to prevent police inaction or refusal to act on serious complaints. It protects citizens' rights to have their complaints investigated and ensures that police officers cannot arbitrarily reject cases. Courts have ruled that the police cannot refuse to register a FIR unless the information provided is vague or lacks legal grounds.
3. **Judicial Oversight:** In cases where the police fail to register an FIR, the courts can intervene. For instance, the **Supreme Court of India** has clarified that police must register an FIR if the information points to the commission of a cognizable offence. Failure to do so may lead to disciplinary action against the police officer.
4. **Exceptions to the Rule:** In some cases, a **preliminary enquiry** is conducted before registering an FIR, especially when the offence is not immediately clear or there are doubts about its severity. However, once it is determined that the case warrants an investigation, the police must register the FIR. Additionally, cases involving minor offences or where the complainant requests no formal investigation may not require an FIR, but this is handled on a case-by-case basis.
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Copy to Victim

The "**Copy to Victim**" provision refers to the legal requirement for police to provide a **free copy of the FIR** (First Information Report) to the victim or the person reporting the crime. This ensures that the complainant is aware of the details recorded in the FIR and has a documented record of their complaint, which is essential for transparency and further legal procedures.

Key Points About the "Copy to Victim" Provision:

- 1. Right to Information:** Providing a copy of the FIR ensures that victims have access to the details of their own complaint, allowing them to be fully informed about the charges or accusations that have been recorded by the police.
- 2. Free of Cost:** The copy is provided **free of charge** to the complainant. This is crucial to ensure that all victims, regardless of their financial status, have access to their legal rights and documentation.
- 3. Transparency in the Process:** This provision enhances transparency within the criminal justice system. It prevents cases where the police may act negligently or dishonestly by giving the complainant proof of the information recorded, which can be referenced later in legal proceedings.
- 4. Legal Use of the FIR Copy:** The FIR copy serves as an important document for the victim. It can be used to follow up on the investigation, seek judicial intervention if the police fail to act, or even in court during the trial. It can also be used in appeals or other legal actions if the case is not handled properly.
- 5. Timely Delivery:** According to the **Criminal Procedure Code (CrPC)**, the victim is entitled to receive the FIR copy as soon as the report is filed. There is generally a time frame within which the copy must be handed over, and delays could result in legal consequences for the police.
- 6. Empowering the Victim:** Having access to the FIR gives the victim a sense of empowerment by allowing them to track the progress of their case. They are also better equipped to advocate for themselves and ensure that justice is pursued.

Digital Documentation and public access to FIR information

Digital Documentation and Public Access to FIR Information refer to the modernisation of the process by which FIRs (First Information Reports) are documented, stored, and made accessible to the public and concerned authorities through digital platforms. This digital shift plays an essential role in improving transparency, efficiency, and accountability within the criminal justice system. Here's how it works:

1. Digital Filing and Storage:

- With the introduction of digital platforms, FIRs are now being filed electronically at many police stations. This reduces paperwork, helps maintain accurate records, and makes retrieval of FIR details faster and more organised.
- Police stations use a digital system to record, store, and manage FIRs, which makes it easier for police officers to track investigations and manage cases across jurisdictions.

2. Benefits of Digital Documentation:

- **Reduced Human Error:** Digital records minimise the chances of errors that could occur during manual filing, such as misplacing documents or recording incorrect details.
- **Faster Processing:** Digital FIRs allow for quicker processing, updating, and sharing of case information. This can accelerate investigations, leading to timely legal action.
- **Security:** Digital storage systems often include backup and encryption, making records safer from loss, destruction, or unauthorised access.

3. Public Access to FIR Information:

- Many states and police departments in India have introduced online portals where the public can check the status of FIRs. This improves transparency by allowing citizens to track the progress of investigations or simply verify whether their complaint has been filed.
- **Online FIR Registration:** Some jurisdictions also allow individuals to file FIRs online for certain non-urgent cases. Once filed, these are digitised and processed according to the law, and the public can access the copy via the police portal.
- **Access to FIR Copies:** Victims or complainants can access copies of their FIR online, which provides a crucial record of their complaint and helps them follow the progress of their case.

4. Legal Framework for Digital Access:

- The **Criminal Procedure Code (CrPC)** mandates the registration of FIRs and the provision of a copy to the complainant. With the digital system, this provision is extended to ensure that the public can easily obtain copies of FIRs.
- According to the **Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023**, public access to FIR information is supported through digital platforms, ensuring that victims or interested parties can obtain FIR details without having to visit police stations physically.

5. Challenges and Considerations:

Privacy Concerns: While public access increases transparency, it may raise concerns regarding the privacy of victims, particularly in sensitive cases such as sexual assault or domestic violence. There are safeguards in place to ensure that personal details of victims and witnesses are protected.

Digital Divide: In some remote areas, access to digital platforms can be limited. Ensuring that rural populations have equal access to FIR-related information is still a challenge.

Requirements and advantages of Maintaining transparent records of FIRs

Maintaining transparent records of **First Information Reports (FIRs)** is crucial for ensuring accountability, promoting fairness, and enhancing the integrity of the criminal justice system. Transparent FIR records provide an easily accessible and verifiable history of complaints, investigations, and their outcomes, helping build public trust in law enforcement and judicial procedures.

Requirements for Maintaining Transparent FIR Records:

- 1. Timely Registration:** Every FIR should be recorded as soon as possible after the complaint is filed, with all relevant details accurately documented. Delays in registration can lead to mistrust and may hinder the investigation process.
- 2. Accessibility:** FIR records should be easily accessible to the complainant, law enforcement officers, and, in some cases, the public, through both physical copies and digital platforms. Online portals have been developed in some jurisdictions for tracking FIRs.
- 3. Digital Storage:** Digital systems are increasingly used to store FIRs, reducing the risk of misplacement or alteration of records. This also ensures that the data can be shared and accessed quickly, improving operational efficiency.
- 4. Clear Documentation:** The details of each FIR must be clearly and comprehensively documented, including information such as the nature of the crime, date, time, location, and the persons involved. The complainant's details should be recorded accurately, but with safeguards to protect their privacy where necessary.
- 5. Free Access to Complainants:** As mandated by law, the complainant or victim must be provided with a free copy of the FIR, ensuring transparency. This copy allows the complainant to track the progress of their case and seek judicial intervention if needed.
- 6. Data Protection and Privacy:** While transparency is important, sensitive information, such as the identity of victims in certain cases, should be protected to ensure their safety and privacy. Digital systems must have robust security measures to prevent unauthorised access.

Advantages of Transparent FIR Records:

- 1. Increased Accountability:** Transparency ensures that police officers and law enforcement agencies are held accountable for their actions. If the public has access to FIR records, it becomes harder for law enforcement to suppress or manipulate information. This is crucial for building trust in the criminal justice system.
- 2. Public Confidence:** When FIR records are publicly accessible, it fosters a sense of fairness and credibility in the system. People feel more confident that their complaints are being taken seriously, and that investigations are being conducted properly.
- 3. Prevents Corruption and Misconduct:** Transparent FIR records make it easier to detect any attempts to suppress or delay cases due to bias or corruption. It helps prevent false cases from being registered or real complaints from being ignored.
- 4. Improved Legal Procedures:** Easy access to FIR records helps lawyers, judges, and other legal personnel track cases more efficiently, ensuring that justice is not delayed. It also facilitates smoother coordination between various law enforcement agencies, especially in cases involving multiple jurisdictions.
- 5. Quick Access to Evidence:** Maintaining clear and transparent FIR records allows for faster retrieval of important case details, which is particularly helpful in the investigation and trial stages. This can speed up the legal process and contribute to quicker resolutions.
- 6. Enhanced Victim Empowerment:** When victims have access to the FIR, they can follow up on their cases, assist in investigations, and ensure that their complaints are being addressed. This transparency empowers victims and helps them stay informed throughout the legal process.

- 7. Encourages Law Enforcement Efficiency:** When police officers are aware that their actions are documented and available for public review, it encourages them to be more diligent and professional in handling cases. The transparency mechanism reduces the likelihood of negligence or mishandling of cases.

Challenges and criticism regarding FIR

While the **First Information Report (FIR)** is an essential document in the criminal justice system, there are several **challenges** and **criticisms** regarding its implementation and functioning. These issues affect both the complainants who seek justice and the law enforcement agencies responsible for investigating crimes.

1. Delays in Registration

One of the most common criticisms of FIRs is the **delay in registration**. Police officers sometimes hesitate to register FIRs due to several reasons:

- **Corruption:** In some cases, police might delay or avoid filing an FIR to avoid dealing with a case that requires substantial effort or resources, or because of external pressure.
- **Reluctance to Investigate:** Law enforcement may not always want to investigate certain crimes, especially when the victims are from marginalised communities or the case is politically sensitive.

The **Supreme Court of India** in **Lalita Kumari v. Govt. of U.P. (2014)** affirmed that the registration of an FIR is mandatory in cases of cognizable offences, ruling that the police cannot refuse to register an FIR based on their assessment without conducting an inquiry first².

Failure to Register FIRs A serious challenge is **refusal to register an FIR**. Some police officers, especially in cases that involve minor offences or cases involving vulnerable individuals, may attempt to dissuade the complainant from lodging an FIR. This is particularly true in cases involving **domestic violence, dowry harassment, or sexual assault**.

- **Legal Safeguards:** The **Criminal Procedure Code (CrPC)** guarantees that no one can be denied the right to file an FIR. However, enforcement of this provision can be inconsistent, leading to a **lack of accountability** for law enforcement.

2. Vagueness in FIR Content

In some cases, the information recorded in an FIR may be **incomplete or unclear**, leading to difficulties in investigating the crime. This can occur due to:

- **Incompetence or negligence** by the officer taking the complaint.
- **Pressure** from higher authorities or influential people to minimise or alter the details. Such issues are often compounded in complex cases, where police might fail to capture key details or overlook crucial aspects of the complaint. This can seriously hinder the investigation and later legal proceedings.

3. Lack of Uniformity in Filing FIRs

The **process of filing an FIR** varies across police stations and regions in India, leading to **inconsistencies**. This disparity can cause confusion for the complainant, delay the process, and sometimes result in legal complications:

- **Lack of standardization** in recording information may lead to discrepancies in how the crime is described, which can influence the progress of the case.
- In rural or less-resourced areas, **manual documentation** might still dominate, leading to slower processing compared to urban areas with digital systems.

4. Challenges Faced by Victims, Particularly Women

Women, in particular, face barriers when trying to file an FIR. This includes:

- **Gender bias:** Police might discourage women from filing FIRs, especially in cases like sexual harassment or domestic violence, due to traditional gender roles or a lack of sensitivity in handling such cases.
- **Social stigma:** Victims of crimes like **rape or sexual assault** may be hesitant to file FIRs due to fear of judgment or societal backlash. This is further compounded by the stigma surrounding certain types of crimes.

5. Overburdened Police Force and Delayed Investigations

Even when FIRs are properly filed, investigations often take time due to the **overburdened police system**. With a shortage of officers or inadequate resources, many FIRs remain unresolved, leading to frustration among victims and further delay in justice delivery.

6. Influence of Political or Social Pressure

FIRs can sometimes be influenced by **political or social pressure**, especially when the cases involve influential individuals. This could result in:

- **Selective registration:** Certain crimes may be prioritised over others due to external pressures, leaving less politically sensitive cases neglected.
- **Falsification or suppression:** Powerful individuals may manipulate the FIR process to protect their interests, either by suppressing FIRs or altering their contents.

7. Privacy and Data Security Concerns

As more police stations move towards **digital FIRs**, **privacy issues** arise. Victims' personal details, which might be sensitive, are stored in electronic systems, raising concerns about:

- **Unauthorised access or cyberattacks** that could expose personal information.
- **Misuse of data** if not properly secured or anonymised.

Digital systems, while improving transparency and efficiency, must be equipped with strong security measures to protect victims' privacy.

8. False FIRs

The filing of **false or frivolous FIRs** is another significant issue. Some individuals may file misleading FIRs for personal or political reasons, leading to:

- **Misuse of police resources.**
- **Legal complications** for those falsely accused, which can damage reputations and create unnecessary delays in the justice process.

In response, Indian law includes provisions for filing **counter complaints** or taking legal action against those who file false FIRs, but enforcement is not always consistent.

Conclusion

- The **First Information Report (FIR)** system stands as a significant reform in India's criminal justice system, marking a landmark shift towards greater transparency, accountability, and efficiency in law enforcement. The **mandatory registration of FIRs** has ensured that victims of crimes have an official record of their complaints and can pursue legal remedies, preventing arbitrary rejection of cases by police. This reform is particularly important because it gives citizens the right to initiate a formal investigation into cognizable offences, ensuring that law enforcement cannot ignore or suppress serious complaints.

- The **Lalita Kumari v. Govt. of U.P. (2014)** case emphasised that the police cannot refuse to register an FIR for cognizable offences, marking a pivotal moment in clarifying the rights of the complainant. Moreover, the **digitalisation of FIRs** has significantly reduced delays and errors, providing easier access for both victims and the public to track the progress of investigations, thus strengthening public confidence in the system.
- However, despite its advantages, the FIR system faces challenges such as police reluctance to register complaints, delays in investigations, and the misuse of the FIR system in some cases, such as false complaints. The police's accountability in the process and the need for better victim support mechanisms remain key areas for improvement.
- In conclusion, the FIR system in India represents a **landmark reform**, promoting justice by ensuring that law enforcement operates under greater scrutiny and that victims' rights are protected. While challenges persist, ongoing efforts toward reform, particularly through digital tools and judicial oversight, are paving the way for a more responsive and transparent criminal justice system. As the system evolves, the commitment to ensuring prompt, fair, and impartial registration and investigation of crimes remains crucial to uphold the rule of law and access to justice in India.