

**GOVERNMENT OF MIZORAM
POLICE HEADQUARTERS: AIZAWL**

: Dated Aizawl, the 19th June, 2024.

STANDING ORDER NO. 7/2024

**STANDARD OPERATING PROCEDURE FOR PRELIMINARY
ENQUIRY**

The Hon'ble Apex Court in Lalita Kumari v. Govt. of U.P has held that the registration of FIR is mandatory under Section 154 of CrPC and no preliminary inquiry is permissible if the information received discloses the commission of any cognizable offence. But some of the exceptions to the ruling of mandatory registration of FIR were made, which are as follows-

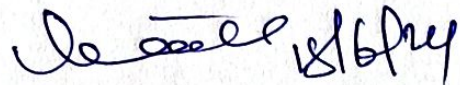
- Medical Negligence
- Matrimonial Cases
- Corruption cases
- Commercial offences
- Cases of abnormal delay in reporting

The Court clarified that the list mentioned above is not an exhaustive one, but only provides an illustration of the nature of cases in which a preliminary enquiry may be conducted.

However, to make things clearer and easy for the police officers, a provision has been made in the BNSS'2023 for preliminary enquiry. Therefore, the following instructions shall be followed in this regard-

- (i) Section 173(3) of BNSS has also given statutory recognition for conducting preliminary enquiry in cases punishable with imprisonment of three years or more but less than seven years.
- (ii) The Preliminary Enquiry shall be conducted with the prior permission from an officer not below the rank of Deputy Superintendent of Police. OC/EO shall seek the prior permission from the concerned SDPO to initiate the Preliminary Enquiry.
- (iii) OC/EO must conclude the preliminary enquiry within a period of 14 days as per BNSS-2023 and GDR entry of each steps taken under enquiry, shall be made.


- (iv) The scope of the preliminary enquiry is only to ascertain whether any cognizable offence is committed or otherwise and if cognizable offence appears to be committed, then immediately FIR shall be registered under the relevant sections of law and investigation shall be taken up.
- (v) After conducting the Preliminary Enquiry, if OC/EO comes to the conclusion that no offence has been committed, then he will submit his findings before the concerned SDPO.
- (vi) The SDPOs shall examine the findings of the Preliminary Enquiry thoroughly and pass an appropriate order as deemed fit according to the facts and circumstances of the case within 14 days from the receipt of information, whether FIR is to be registered or otherwise.
- (vii) All SDPOs/OCs/EOs shall maintain the complete record of proceedings conducted in any preliminary enquiry on day to day basis.
- (viii) In view of above, all SDPOs/OCs are hereby directed to ensure strict & meticulous compliance of above guidelines/procedures/directions.



(LALBIAKTHANGA KHIANGTE), IPS
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Mizoram, Aizawl.

No. IGP(A&T)/NCL(BNSS/BNA/BSA 2023)/28/24/36 Dt. 19 June, 2024
Copy to :

- 1) SO to DGP, Mizoram.
- 2) IGP(Hqrs)/IGP(L&O) for kind information.
- 3) DIG(NR)/DIG(SR0)/DIG(ER)/DIG(CID)/DIG(Trg.) Mizoram for kind information.
- 4) AIG(Hqrs)/AIG(Legal) Mizoram for kind information.
- 5) All District SPs, Mizoram, SP CID(Crime)/SP Cyber Crime/SP Narcotic for information and necessary action.



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