

GOVERNMENT OF MEGHALAYA
OFFICE OF THE DIRECTOR GENERAL OF POLICE,
MEGHALAYA, SHILLONG

CIRCULAR No. 01/2024
(PRELIMINARY ENQUIRY)

- 1.** A Constitution Bench of Hon'ble Supreme Court in Lalita Kumari v. Govt. of U.P [W.P.(Crl) No; 68/2008] held that registration of First Information Report is mandatory under Section 154 of the Code of Criminal Procedure , if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.
- 2.** The Parliament of India has enacted the Bharatiya Nagarik Suraksha Sanhita, 2023 replacing the Code of Criminal Procedure, 1973, and the Preliminary Enquiry(PE) has been allowed under Section 173 of the Sanhita subject to certain conditions.
- 3.** The following are the detailed guidelines regulating the procedure to register and conduct PE by Meghalaya Police Force to ensure that the intent of Legislature does not get suffocated and delivery of justice to the victims of crime is ensured.
- 4.** On the receipt of an information relating to the commission of any cognizable offence which is made punishable for three years or more but

less than seven years of imprisonment, the Officer in Charge of a Police Station or In Charge of a Police Out Post, Beat House, Anti-Dacoity Camp etc. may conduct a PE under Section 173 (3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. The scope of PE is not to verify the veracity or otherwise of the information received but only to ascertain whether there exists a prima facie case for proceeding in the matter. If there exists a prima facie case, PE shall not be conducted and First Information Report shall be registered immediately. If there does not exist a prima facie case, PE may be conducted.

6. The Officer in Charge or In Charge, after making the General Diary entry, shall analyze the contents of First Information, and if he is of the opinion that there does not exist a prima facie case, he may discuss the matter with the Circle Inspector or any Superior Officer, as applicable. This consultation must be completed on the date of receipt of information at such Police Station, Police Out Post etc.

7. After consultation or otherwise, the Officer in Charge or In Charge shall send a written request for grant of permission to register PE in the prescribed format (Annexure – 1) to a Gazetted Police Officer who has territorial jurisdiction over the concerned Police station, so far as investigation is concerned, either on the same day of receipt of information or the next day. He may enclose the extract copy of such GD Entry or the First Information itself with the request.

8. The Gazetted Police Officer shall go through the content of the First Information, apply his judicious mind, and after due diligence, issue order granting permission for registration of PE. However, if he is of the opinion that the case is not fit for registration of PE, he may refuse such permission. The order shall be issued in the prescribed format (Annexure – 1) itself within 48 hrs. The decision to grant or refuse such permission shall not be kept pending beyond that period.

9. If the Officer in Charge or In Charge does not receive an order from the Gazetted Police officer within the aforesaid period, he may register the case or refuse investigation as per procedure mentioned in the Bharatiya Nagarik Suraksha Sanhita, 2023. He shall not keep the matter pending under any circumstances.

10. If the Gazetted Police Officer grants permission to conduct the PE, the Officer in Charge or In Charge shall register the same in the prescribed format (Annexure-2).

11. Each PE shall be given a serial number starting from 1 at the start of each year. The format of numbering shall be as follows: Name of Police Station followed by PE No. and the year. For example – the PE for the year 2024 registered at Shillong Sadar PS shall be numbered as Shillong Sadar PS PE No. 01/2024, Shillong Sadar PS PE No. 02/2024 and so on. Similarly, the PE for the year 2024 registered at Pasteur Beat House shall be numbered as Pasteur BH PE No. 01/2024, Pasteur BH PE No. 02/2024 and so on.

12. A copy of Preliminary Enquiry Registration Report (PERR) shall be given to the informant, free of cost and registration of PE shall be reflected in Daily SITREP.

13. The Preliminary Enquiry Registration Report shall not be forwarded to the court. However, a copy shall be forwarded to all Gazetted and Non-Gazetted officer competent to supervise the cases registered at the concerned Police station.

14. The Officer in Charge or In Charge may entrust the enquiry to a Police Officer of the rank of Head Constable or above depending upon the nature and gravity of the offence. The Officer in Charge, In Charge and Enquiry Officer must understand that PE is conducted to see whether a prima facie case exists and therefore, it should not be conducted like a full-fledged investigation.

15. The Enquiry Officer (EO) may record the statements of witnesses including the alleged accused. However, such statements shall not come under the purview of Section 180 BNSS. All statements must be signed by the witness. Written Statements may also be submitted by the witness.

16. The Enquiry Officer may obtain documents under Section 94 or 95 BNSS, as applicable, from any authority by submitting a written request. However, the power of search, seizure, and arrest shall not be available to the Officer in Charge or Enquiry Officer during the conduct of PE.

17. The Enquiry Officer may write case diaries but the same shall not be mandatory. The records of PE like statements recorded or received, documents collected etc. shall not form part of case records if a case is

subsequently registered in the matter and investigation is conducted. The PE is just an administrative exercise and all enquiry records shall be kept by the Officer in Charge and In Charge in a file named as "Preliminary Enquiry Records".

18. PE shall be completed within 14 days from the date of receipt of information at the Police Station, Out Post etc., as applicable. On completion of the PE, the enquiry officer shall submit a report to the concerned Officer in Charge or In Charge clearly stating whether there exists a prima facie case to proceed further.

19. The Officer in Charge or In Charge shall peruse the enquiry report and if there are sufficient materials to suggest that there exists a prima facie case, First Information Report shall be registered forthwith. Else, the Officer in Charge or In Charge may refuse investigation as per provisions of Section 176 BNSS.

20. Multiple PEs in same matter shall not be allowed under any circumstances.

21. The Superintendents of Police, Supervisory Officers, Officer in Charge, and In Charge shall ensure that the PE is not used as a means to either delay the investigation or burk crime. Any such malafide intent shall be construed as a misconduct and may entail disciplinary and/or criminal proceeding as per relevant rules.

22. It is to be stressed upon that if a case is reported at a Police Station, Out Post etc. on or after 1st July 2024 relating to an offence committed before 1st July 2024, the provisions of Code of Criminal

Procedure, 1973, Indian Penal Code, 1860, and Indian Evidence Act, 1872 shall apply and PE shall not be allowed in such matters except if allowed under the aforementioned judgment of Hon'ble Supreme Court.

23. This Circular shall not apply on the Preliminary Inquiry under Section 178 BNSS, and the Preliminary Enquiry/Inquiry conducted under the Meghalaya Services (Discipline & Appeal) Rules, 2019 as amended from time to time.

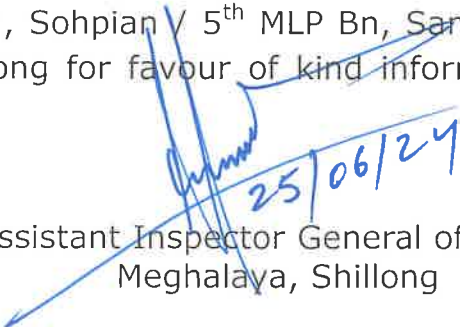
24. In case of an enquiry under Section 17A of the Prevention of Corruption Act, 1988 or any other Special & Local Law, if any, the relevant procedure like previous approval, etc. incorporated in the concerned law shall apply. In case, no express provisions are mentioned in a Special or Local Law, the PE may be conducted in accordance with the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the procedure laid herein.

25. This circular shall come into effect w.e.f. 1st July, 2024 and remain in operation until further orders. Any circular, order etc. related to similar matter issued earlier by this officer, Law & Order Branch, Range Deputy Inspector General of Police, Superintendents of Police, or any other competent authority within the Meghalaya Police Force shall stand repealed once this circular comes into operation.

Sd/-
(Smti. I Nongrang, IPS)
Director General of Police
Meghalaya, Shillong

Memo No. MG/DGP Circular/2024/1 Dated Shillong, the 25th June 2024

1. The Director General of Police, Meghalaya, Shillong for favour of kind information.
2. The Inspectors General of Police (Police Welfare / Comm.) / (R/PR/F&ES) / (SB/Border), Meghalaya, Shillong for favour of kind information.
3. The Dy. Inspectors General of Police (CID) / (ER) / (WR) / (TAP), Meghalaya, Shillong / Tura for favour of kind information.
4. The Principal, PTS, Umran for favour of kind information and necessary action.
5. The Asstt. Inspectors General of Police (A) / (L&O) / (E) / (R), Meghalaya, Shillong for favour of kind information and necessary action.
6. The Spl. Superintendents of Police (SB-I) / (SB-II), Meghalaya, Shillong for favour of kind information and necessary action.
7. The Superintendents of Police (AID), Shillong / (AID), Tura / (City), Shillong / (Traffic), Shillong / (Sadar), Shillong / (SCRB), Shillong / (F&ES), Shillong / (F&ES), Tura / (VIS), Shillong / (Border), Shillong / (EOW), Shillong / (R/PR), Shillong / (Security), Shillong / (ER), Shillong / MPRO, Shillong / MPRO, Tura for favour of kind information and necessary.
8. The Superintendents of Police East Khasi Hills D.E.F, Shillong / West Khasi Hills D.E.F, Nongstoin / South West Khasi Hills D.E.F, Mawkyrwat / Eastern West Khasi Hills D.E.F, Mairang / Ri-Bhoi D.E.F, Nongpoh / East Jaintia Hills D.E.F, Khliehriat / West Jaintia Hills D.E.F, Jowai / West Garo Hills D.E.F, Tura / South West Garo Hills D.E.F, Ampati / North Garo Hills D.E.F, Resubelpara / East Garo Hills D.E.F, Williamnagar / South Garo Hills D.E.F, Baghmara for favour of kind information and necessary action.
9. The Commandant, 1st MLP Bn, Mawiong / 2nd MLP Bn, Goeragre / 3rd MLP Bn, Sahbsein / 4th MLP Bn, Sohpiam / 5th MLP Bn, Samanda / 6th MLP Bn, Umran / SF-10, Shillong for favour of kind information and necessary action.


Assistant Inspector General of Police, (A)
Meghalaya, Shillong

ANNEXURE – 1

FORM TO SEEK PERMISSION FOR PRELIMINARY ENQUIRY

1.	Name of Police Station	
2.	GDE No. & Date	Dated
3.	Gist of information	
4.	Section of Law under which the alleged act is an offence & Maximum/Minimum Punishment	
5.	Name & Designation of GO from whom permission is sought	
6.	Whether prima facie case exists? Justify.	

Date

Signature of Officer In Charge

(ORDER OF THE GAZETTED POLICE OFFICER)

- Permission to register PE granted. Complete the enquiry within 14 days from the date of registration and take further action in accordance with law.
- Permission to register PE refused as the alleged act does not constitute an offence.
- Permission to register PE refused as the alleged act is a non-cognizable offence.
- Permission to register PE refused as the alleged act is a cognizable offence punishable with imprisonment for less than 3 years.
- Permission to register PE refused as the alleged act is a cognizable punishable with imprisonment for 7 years or more.
- Permission to register PE refused as a prima facie case exists.
- Permission to register PE refused as the nature & gravity of the alleged offence merits an investigation.

Date

Signature of GO

ANNEXURE - 2

PRELIMINARY ENQUIRY REGISTRATION REPORT

1.	District:		
2.	Police Station:		
3.	Year:		
4.	PE No.		
5.	Date of Registration:		
6.	Suspected Offence:		
7.	Date & Time of Occurrence:	From	
		To	
8.	Date & Time of receipt of First Information at PS:	Date	
		Time	
9.	General Diary Entry No.		
10.	Type of Information:	Written / Oral / Electronic Communication	
11.	Place of Occurrence:		
12.	Direction & Distance of PO from PS		
13.	In case, PO falls outside the territorial jurisdiction of the PS:	District where PO falls	
		Police Station	
14.	Name & Particulars of Informant	Name	
		Father's/ Husband's Name	
		Date of Birth/Age	
		Gender	Male / Female / Other
		Nationality	
		ID No.	
		Address	
Occupation			
15.	First Information (Attach separate sheet, if necessary)		

16.	Action Taken by Officer in Charge	a. Registered the PE and took up enquiry. b. Directed to take up the enquiry.
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Preliminary Enquiry Registration Report read over to the Informant & admitted to be correctly recorded. Copy given to the Informant, free cost.

Signature/Thumb Impression of Informant

Signature of Officer In Charge