

POLICE CIRCULAR ORDER No. 163

Prosecution
innocent
persons on
the basis of
false
complaints
filed as
Court case—
Enforcement
of Safe
guards.

The tendency of lodging false and frivolous complaints alleging commission of criminal offence has been growing rapidly and landlords and tenants, employers and employees sometimes involve each other in vexatious prosecutions with the object of coercing each other to do certain acts or to agree to certain propositions which could not be enforced by lawful means. Sometimes such prosecutions are lodged in distant Courts so as to deliberately cause inconvenience and expense before the complaints are finally dismissed. A false case, apart from the humiliation embarrassment that it may cause to the person against whom it was instituted, is also a matter of contempt for the public servant for having misused his lawful power in a wrong direction on the misrepresented facts of the informant. As such all efforts should be made to successfully prosecute the offenders and to secure exemplary punishment for him in order to curb this mischievous tendency flourishing in the society .

2. The attention of all police officers is drawn in this regard to the instructions laid down in P. M. Rule 182. It is desirable that they strictly follow the instructions contained therein.

3. As regards complaints against Police Officers lodged in courts, it is felt that the evil will be remedied to a great extent if the Magistrates insist on evidence being recorded under section 202, Cr.p.C. before issuing processes for the attendance of the officer complained against. Even in case where cognizance has been taken and the Magistrate after hearing the case comes to the conclusion that there is no merit in the case, he may, while acquitting discharging the officer complained against order award of compensation under section 250, Cr.P.C. Besides these procedural measures, it may be advantageous if the Magistrates initiate action under section 182 or 211, I.P.C. as the case may be, in all cases of false complaints filed before them. The Prosecuting staff should see that these procedural measures are observed by Courts in cases of complaints directly lodged against police officers.

4. The Superintendent of Police requested to assure that the instructions are carefully observed.

Manual reference

P. M. Rules 50, 182 and 720

(Previous Police Circular Order No. 5 of 1963)