

Section 195 Cr.PC. opens up with the word “No Court” and thus, imposes an express bar for any Court to take cognizance of the offences contemplated thereunder, except in accordance with the procedure prescribed therein – Merely because the offence under Section 188 IPC is cognizable,

the police is not authorised to register FIR, as the same, if, results in submission of police report under Section 173(8) of the CrPC, is barred by Section 195(1)(a) read with the definition of “complaint” provided in Section 2(d) of the CrPC, that complaint does not include a police report – The non-compliance of the established procedure as envisaged under Section 195 CrPC is an incurable defect – In the present case the police having registered the FIR for the offence under Section 188 IPC, being explicitly hit by the aforesaid provision, has rendered the proceedings void-ab-initio – Cr.P.C., 1973 (II of 1974), Section 2(d), 173(8) , 195.

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