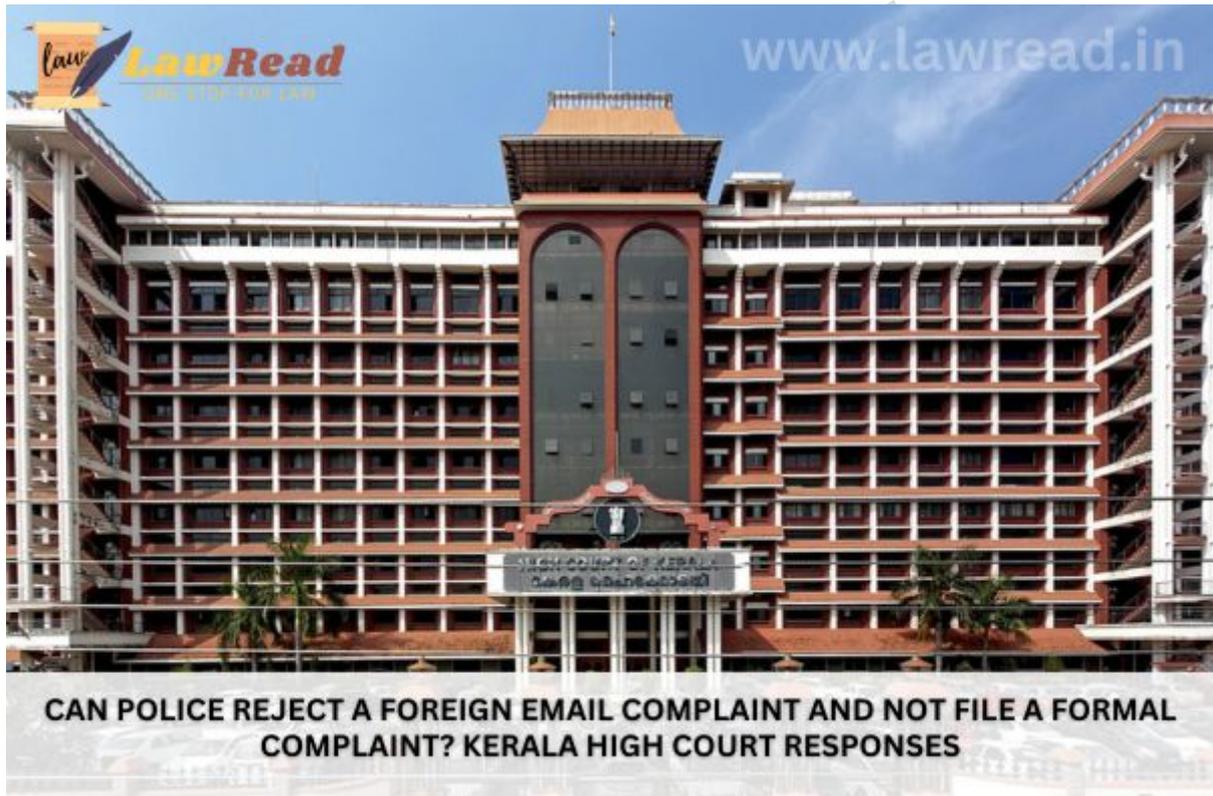


News

Can police reject a foreign email complaint and not file a formal complaint? Kerala High Court responses



According to the Court, zero FIRs can be filed under Section 173 of the BNSS, even if the complaint is made via email from outside, and police cannot deny it for lack of signature or territorial jurisdiction.

In a recent ruling in **YYYY v. State of Kerala & ors**, the Kerala High Court ruled that police cannot deny the filing of a first information report (FIR) just because the complaint was filed by email from outside without a signature.

According to **Justice Kauser Edappagath**, the concept of Zero FIR has been formally recognized by the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) with the introduction of Section 173. As a result, police are required to file a formal complaint if it reveals a crime that can be prosecuted, regardless of whether the complaint was received electronically or from

someone outside of their jurisdiction.

"The main objective of Zero FIR is to guarantee that victims can lodge complaints in any jurisdiction. Therefore, even if the complaint is forwarded from a foreign country, the police cannot refuse to lodge a formal complaint if it contains a cognizable offense. Given these facts, the Court declared that it was not reasonable to dismiss the petitioner's Annexure A7 complaint on the grounds that it was received by email from Australia and was not signed.

The current case started when the petitioner, who is now living in Australia, complained to the Director General of Police (DGP) of Kerala by email in 2020 about her spouse.

It was sent to the Muttom Police Station by the DGP. However, because the petitioner was unavailable in person and the complaint was delivered over email without a signature, the police declined to file a case.

The petitioner challenged this denial and went to the High Court to ask for orders compelling the police to take action on her complaint.

The Court explained that even if the complainant is living overseas or the complaint is not signed, the police are required to file a formal report if it reveals a crime that can be prosecuted.

The Court noted that the legislative mandate under the new BNSS is undermined when the FIR is refused to be registered based only on formal flaws.

The Court resolved the plea by ordering the Station House Officer of Muttom Police Station to take action on the petitioner's new complaint in line with Section 173 of the BNSS, given that the initial complaint was filed in 2020 and the petitioner indicated her desire to file a new one.

Advocates Sajeev TP, Govindu P Renukadevi, and TB Shajimon represented the petitioner.

EC Bineesh, a senior public prosecutor, represented the State.