

Section of BNSS

173(4)

पुलिस महानिदेशक का कार्यालय
OFFICE OF THE DIRECTOR GENERAL OF POLICE
अंडमान और निकोबार द्वीप समूह
Andaman & Nicobar Islands

श्री विजय पुरम, दिनांक, *Sri Vijaya Puram, dated 05-02-2025*

**SOP ON SECTION 173(4) OF BNSS - IF COMPLAINT NOT
TAKEN AT POLICE STATION AND ALSO AT THE OFFICE OF
SUPERINTENDENT OF POLICE, CAN COMPLAIN TO
MAGISTRATE**

1. Sub-section (4) of section 173 of BNSS, 2023 provides an opportunity to the informant to approach the Magistrate, when his report is not registered either by the officer in charge of the concerned Police Station or Superintendent of Police.
2. Once, the informant approaches the court under the above section, he has to make an application along with a complaint under section 210 of BNSS, 2023.
3. When an application is filed under Section 173 (4) of BNSS, 2023, the procedure to be followed for ordering investigation is provided under Section 175 (3).
4. According to Section 175 (3), the Magistrate firstly, has to verify whether it is supported by an affidavit of complainant.
5. Upon that the Magistrate has given discretion to make an inquiry into the matter, as the provision says that inquiry may be conducted, if he thinks necessary.
6. The inquiry provided under sub-section (3) of Section 175 of BNSS, 2023 is equivalent to the inquiry as envisaged under sub-section (1) of Section 225 of BNSS, 2023, which is to find out whether a *prima facie* is made out or not. Therefore, he is not supposed to conduct a detailed inquiry, so as to the sufficiency of the material for securing conviction.
7. In case the Magistrate conducts an inquiry, he shall call for a report from the police officer. Further, if he thinks necessary, he may seek personal appearance of the police officer to make his submissions about the circumstances which resulted in not registering the case.

8. After considering the submissions made by the Police Officer and his own inquiry into the matter, the Magistrate is at liberty to either order for investigation or not.

For strict and meticulous compliance.

Digitally signed by

Niharika Bhatt

Date: 05-02-2025

10:58:18
(Superintendent of Police)

Police Headquarters,
Andaman & Nicobar Islands.

To

1. All District Superintendents of Police
2. The Superintendent of Police (CID), Port Blair
3. Principal, PTS, Port Blair
4. All SDPOs/Dy.SsP
5. All SHOs and In-Charges Out Posts

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8. R to All Dy.SP's
9. Home Inspector (PHQ)
10. In-charge, Computer Cell PHQ

(Superintendent of Police)

Police Headquarters,
Andaman & Nicobar Islands.