

**GOVERNMENT OF MIZORAM
LAW & JUDICIAL DEPARTMENT
MIZORAM NEW CAPITAL COMPLEX**

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CIRCULAR

Dated Aizawl, the 15th Sept., 2025

Circular For Magistrates Empowered under Section 210 of Bharatiya Nagarik Suraksha Sanhita, 2023

Subject: Procedure for Ordering Investigation under sub-section (3) of section 175 of BNSS upon Refusal to register FIR

1. Background:

Sub-section 3 of section 175 of the BNSS empowers a Magistrate to direct an investigation when a police officer refuses to register an FIR. This power is to be exercised cautiously and only upon fulfilling certain procedural and evidentiary requirements, including prior recourse to the Superintendent of Police as per sub-section (4) of section 173.

2. Mandatory Preconditions:

Before a Magistrate may pass an order under sub-section (3) of section 175 of BNSS, the following must be complied with:

1. Application to Superintendent of Police:

- (i) The applicant must have first made an application to the Superintendent of Police under Section 173(4)
- (ii) A copy of this application, supported by an affidavit, must be furnished along with the application to the Magistrate under Section 175(3)
- (iii) No application shall be entertained unless this procedural step is duly completed.

3. Examination by Magistrate:

Upon receipt of a valid application under sub-section (3) of section 175, the Magistrate shall:

1. Conduct Preliminary Scrutiny in order to ensure that the application is complete in all respects, including:

- (i) Application to the Superintendent of Police (under Section 173(4))
- (ii) Supporting affidavit of the applicant
- (iii) Any attached evidence or documents relevant to the complaint

2. Call for Police Submissions a written submission from the officer in charge of the police station explaining:

- (i) The reason for refusal to register the FIR
- (ii) Any action taken, if any, on the applicant's complaint

4. Magistrate's Inquiry (Discretionary):

The Magistrate may, at his discretion, conduct a further inquiry into the matter. This inquiry may include:

- (i) Summoning the application for a preliminary hearing
- (ii) Examining witnesses or documents submitted
- (iii) Calling for additional records from the police or any public authority

5. Decision to Order Investigation:

Upon satisfaction that:

- (i) The application is procedurally valid;
- (ii) The refusal by police to register FIR lacks merit; and
- (iii) There is prima facie substance in the applicant's allegations;

The Magistrate may pass an order directing investigation under sub-section (3) of section 175

Note: The Magistrate must record brief reasons for either granting or declining the request for investigation.

6. Documentation and Record-Keeping:

The entire process, including:

- (i) Application and affidavit,
- (ii) Police submissions,
- (iii) Records of inquiry (if conducted), and
- (iv) The final order, must be duly documented and filed for accountability and appellate scrutiny.

7. Legal Safeguards:

The procedure codifies judicial safeguards to;

- (i) Prevent misuse of magisterial powers,
- (ii) Ensure fair opportunity for the police to explain their refusal, and
- (iii) Maintain a balance between access to justice and protection against false complaints.

Sd/-T.L. GUITE

Secretary to the Govt. of Mizoram
Law & Judicial Department

Memo No. C.31017/2/2024 – L&J

: Dated Aizawl, the 15th Sept., 2025

Copy to:

1. Secretary to the Governor of Mizoram.
2. P.S. to Chief Minister, Mizoram.
3. P.S to Speaker/Deputy Speaker, Mizoram.
4. P.S to all Ministers/Minister of State, Mizoram.
5. P.S to Chief Secretary, Mizoram.
6. P.S to Secretary, Home Department, Mizoram
7. District & Sessions Judge, Aizawl/Lunglei/Champhai.
8. All Superintendents of Police, Government of Mizoram.
9. Guard File.



(R.ZOTHANTLUANGI)

Under Secretary to the Govt. of Mizoram

Law & Judicial Department

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