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THE MISUSE OF CRIMINAL LAW: A LEGAL ANALYSIS OF FALSE FIRS IN INDIA

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ABSTRACT

The First Information Report (FIR) is the cornerstone of the Indian criminal justice system, enabling the police to initiate investigations in cognizable offences. However, in recent years, the FIR mechanism has witnessed increasing misuse, with a surge in false or frivolous complaints being filed to harass, intimidate, or settle personal scores. Such misuse not only leads to the violation of fundamental rights of the accused but also places an enormous burden on the judiciary and law enforcement agencies.

This research paper critically analyses the legal and procedural challenges posed by false FIRs in India. It examines statutory provisions such as Section 211 of the Indian Penal Code and Section 482 of the Code of Criminal Procedure, which offer safeguards but are often underutilized or invoked too late. Drawing from judicial precedents, government reports, NCRB statistics (2020–2023), and scholarly articles, the paper highlights how the lack of pre-verification mechanisms and accountability contributes to this problem.

The study also explores the psychological and social impact on falsely accused individuals, the inefficiencies it creates in the criminal justice process, and comparative insights from other jurisdictions. It advocates for reforms such as mandatory scrutiny in non-cognizable matters, strict penalties for false complaints, and better training for law enforcement agencies. By balancing the right to legal recourse with safeguards against misuse, this paper aims to promote procedural fairness and restore public faith in the criminal justice system.

Keywords:

False FIRs, Criminal Law, Procedural Misuse, Section 211 IPC, Section 482 CrPC, Judicial Safeguards, Police Accountability, Legal Reform, Quashing of FIRs, Criminal Justice System, India.

CHAPTER 1: INTRODUCTION

1.1 INTRODUCTION

The First Information Report (FIR) is a foundational document in India's criminal justice system, marking the initiation of the investigative process in cognizable offences under Section 154¹ of the Code of Criminal Procedure, 1973. Designed as a safeguard for victims and a tool for justice delivery, the FIR empowers the police to act promptly upon the disclosure of a cognizable offence. However, in recent years, this procedural safeguard has been increasingly misused, with FIRs often being registered on frivolous, vexatious, or false grounds, resulting in grave implications for innocent individuals and the credibility of the justice system itself.

The growing misuse of criminal law, particularly through the lodging of false FIRs, poses significant challenges. Individuals have weaponized the FIR mechanism for personal vendettas, matrimonial discord, property disputes, and political intimidation. This misuse undermines the core principle of criminal jurisprudence that one is presumed innocent until proven guilty. It also leads to the harassment and stigmatization of the accused even before a trial begins (Bansal, 2019).

The Supreme Court has repeatedly recognized the potential for such abuse. In *State of Haryana v. Bhajan Lal*, AIR 1992 SC 604². The Court outlined seven categories of cases where criminal proceedings can be quashed, including those initiated with malice or without prima facie evidence. Similarly, in *Lalita Kumari v. Government of Uttar Pradesh*, (2014) 2 SCC 1³. The Court mandated the compulsory registration of FIRs in cognizable offences but also upheld the necessity of a preliminary inquiry in certain sensitive categories to prevent misuse.

Despite the existence of safeguards such as Section 211⁴ Indian Penal Code (false charge of offence with intent to injure) and the High Court's inherent powers under Section 482 CrPC, their underutilization reflects systemic inefficiencies. The National Crime Records Bureau (NCRB) reports from 2020–2023⁵ indicate a consistent rise in the number of cases that are closed as “false” after investigation, suggesting the extent of the problem.

¹ Code of criminal procedure, 1973, section 154

² State of Haryana Vs. Bhajan Lal, AIR 1992 SC 604

³ Lalita Kumari v. Government of Uttar Pradesh, (2014) 2 SCC 1

⁴ Indian Penal Code, 1860, Section 211

⁵ National Crime Records Bureau (NCRB), Crime in India Reports, 2020–2023.

Furthermore, studies, such as the one published in the NLU Delhi Journal (2021)⁶, reveal that false FIRs are more prevalent in urban jurisdictions, where socio-political dynamics and access to legal machinery are exploited to settle personal scores. The lack of legal literacy, minimal police accountability, and delayed judicial processes exacerbate the problem, allowing false complainants to escape legal repercussions while the accused suffer irreversible harm.

This research endeavors to critically evaluate the legal and social implications of false FIRs in India, drawing upon statutory provisions, judicial pronouncements, and statistical evidence. It seeks to analyse the shortcomings in existing laws and propose reforms to ensure a more accountable and equitable criminal justice system, one that protects both the complainant and the accused and upholds the principle of due process.

1.2 RESEARCH OBJECTIVE

1. Vibha Arora & M.P. Singh (eds.) – Indian Judiciary: Imperatives of Change Examines the judiciary's struggle to address procedural abuse, highlighting the gap between law and enforcement.
2. Ministry of Home Affairs Circulars emphasize guidelines for police on cautious FIR registration, especially in matrimonial or property disputes.
3. NCRB Reports (2020–2023) Show rising trends of false complaint registrations, case disposal delays, and high acquittal rates due to a lack of evidence.
4. NLU Delhi Journal (2021) Offers doctrinal and statistical insights into urban policing and the treatment of false FIRs, exposing administrative gaps.

1.3 STATEMENT OF PROBLEM

The filing of a First Information Report (FIR) is the preliminary step in the criminal justice process, but its misuse poses a significant threat to the integrity of the legal system in India. In recent years, there has been a discernible rise in the number of FIRs lodged without adequate preliminary verification, often motivated by personal vendettas, property disputes, or family feuds. Such frivolous or false FIRs not only lead to harassment and stigmatization of innocent individuals but also divert precious resources of law enforcement agencies from genuine cases. The absence of effective deterrents against the filing of false complaints has resulted in a lack of accountability for complainants who misuse legal provisions for ulterior motives. Moreover,

⁶ NLU Delhi Journal of Criminal Law, "The Misuse of Criminal Law: A Study on Frivolous FIRs in India," 2021.

the procedural delay in judicial determination means that the accused often endure considerable mental, social, and financial hardship even before their innocence is established. The overburdened police and judiciary further complicate this situation, as they struggle to differentiate between legitimate and fabricated complaints. Although legal remedies such as Section 482 of the Code of Criminal Procedure, 1973, and Section 211 of the Indian Penal Code, 1860, exist to check such abuse, these provisions are rarely invoked or enforced in practice. Additionally, there is a noticeable lack of training and awareness among law enforcement personnel to handle such misuse effectively, and institutional mechanisms for scrutinizing complaints before registering FIRs remain inadequate. The problem is exacerbated by insufficient public understanding of legal consequences and limited safeguards against the malicious use of criminal law. This study seeks to explore these systemic issues and provide a structured legal analysis to highlight the urgent need for reforms and accountability mechanisms in the context of false FIRs in India.

1.4 HYPOTHESIS

This study hypothesizes that the growing trend of filing false FIRs is a result of inadequate legal enforcement, lack of preliminary verification mechanisms, and insufficient accountability of complainants. It assumes that the current legal safeguards, though available under Section 211 IPC and Section 482 CrPC, are not effectively applied in practice. The research further posits that enhancing police accountability and introducing institutional reforms can significantly curb the misuse of FIRs. Additionally, better public awareness and judicial vigilance may act as effective deterrents against frivolous complaints.

1.5 RESEARCH OBJECTIVE

1. To examine legal provisions governing FIR registration.
2. To identify cases where FIRs have been misused.
3. To analyse judicial responses to frivolous FIRs.
4. To evaluate the effectiveness of existing safeguards.
5. To suggest reforms for pre-registration scrutiny.
6. To propose increased accountability for complainants.
7. To recommend best practices based on the comparative model.

1.6 RESEARCH QUESTION

1. What are the legal procedures for FIR registration in India?
2. How frequently are false FIRs registered, and what are the consequences?
3. Are current legal safeguards effective in preventing misuse?
4. What is the judiciary's approach to handling false FIRs?
5. What reforms can be introduced to prevent misuse without hindering genuine access to justice?

1.7 RESEARCH METHODOLOGY

1. This study adopts a doctrinal (library-based) research methodology, focusing on the analysis of statutes, judicial precedents, and academic literature.
2. Key legal sources include the Indian Penal Code, 1860; the Code of Criminal Procedure, 1973; and relevant constitutional provisions, alongside landmark judgments by the Supreme Court and High Courts.
3. The research relies on secondary sources such as legal commentaries, journal articles, law commission reports, Ministry of Home Affairs guidelines, and NCRB statistics from 2020 to 2023.
4. A detailed review of judicial pronouncements, including Bhajan Lal, Lalita Kumari, and other relevant cases, is conducted to understand the judicial approach to false FIRs.
5. The collected data is critically analysed to identify gaps in legal safeguards, assess the extent of misuse, and suggest reforms for ensuring accountability and procedural fairness.

1.8 SCOPE AND LIMITATION OF THE STUDY

This study primarily focuses on the misuse of criminal law through the lodging of frivolous or false First Information Reports (FIRs) in India. It aims to explore the legal framework, judicial response, and systemic shortcomings that enable such misuse. The scope includes an analysis of statutory provisions like Sections 154 and 482 of the CrPC and Section 211 of the IPC, relevant case laws, and recent statistical data from the National Crime Records Bureau (NCRB). However, the study is limited to doctrinal research and does not involve empirical fieldwork or interviews with police, victims, or judicial officers. It also does not cover the misuse of FIRs in specialized laws such as domestic violence or dowry-related cases in great depth, although they are briefly mentioned for context. The findings are based on secondary

sources and may not fully capture the ground-level realities or regional disparities in enforcement. Despite these limitations, the research offers a foundational understanding of the issue and proposes recommendations for policy and legal reforms.

1.9 SIGNIFICANCE OF THE STUDY

This study holds significance as it addresses the growing concern over the misuse of criminal law through false FIRs, which undermines the credibility of the justice system. By analysing statutory provisions, case laws, and official data, the research aims to highlight gaps in implementation and legal safeguards. It contributes to the ongoing discourse on legal reforms and accountability, offering practical recommendations to strengthen procedural fairness and protect innocent individuals from harassment.

1.10 CHAPTERIZATION

The study has been divided into 7 chapters:

Chapter 1, which talks about the Introduction and highlights the research question, methods, and scope of study.

Chapter 2, Review of Relevant Literature with respect to the topic taken for analysis.

Chapter 3, Legal Framework Governing FIRs in India

Chapter 4, Judicial Approach to False FIRs

Chapter 5, Statistical Trends and Real-Life Implications

Chapter 6, Challenges in Implementation and Accountability

Chapter 7, Conclusion and Suggestions

CHAPTER 2: REVIEW OF RELEVANT LITERATURE

The following articles needed careful consideration in light of the research's goals and problems, as the main goal of this study is to examine the application of the same provisions rather than only comprehend theoretical notions.

- **K.D. Gaur in "Textbook on Indian Penal Code" (2020)** discusses the application of Section 211 IPC, which penalizes false charges, highlighting the gap between statutory provisions and actual enforcement. Gaur emphasizes the necessity for judicial vigilance in distinguishing genuine complaints from malicious ones.
- **The Law Commission of India, 243rd Report (2012)**, addresses the issue of misuse of legal provisions in criminal complaints, particularly under Sections 498A and 406

IPC. The report recommends the need for safeguards during the arrest and investigation stages and highlights the trauma suffered by innocent individuals wrongly implicated.

- **Vibha Arora & M.P. Singh (eds.), in "Indian Judiciary, Imperatives of Change"** (2016), explore the challenges the judiciary faces in balancing protection of individual rights with the need to prevent misuse of legal processes. The work sheds light on how legal provisions are often weaponized in personal and political disputes.
- **The Ministry of Home Affairs Circular (Advisory No. 24013/29/Misc/2011-PM-I, dated July 10, 2014)** provides official guidelines on the registration of FIRs, urging state governments to ensure proper preliminary verification in sensitive matters. It also cautions against mechanical registration of complaints without scrutiny.
- **National Crime Records Bureau (NCRB) Reports (2020–2023)** present empirical data on the registration and disposal of criminal cases across India. These reports reflect a concerning number of cases classified as ‘false’ or ‘mistake of fact/law’ after investigation, highlighting the growing burden on the justice system due to frivolous complaints.
- **The article “The Misuse of Criminal Law: A Study on Frivolous FIRs in India”** (NLU Delhi Journal, 2021) provides a combined doctrinal and empirical analysis of how false FIRs disproportionately affect the urban poor and marginalized communities. The article underscores the need for legal reforms to ensure proportionality and justice in FIR registration.

CHAPTER 3: LEGAL FRAMEWORK GOVERNING FIRS IN INDIA

The First Information Report (FIR) is a crucial procedural document in India’s criminal justice system, marking the initiation of police investigation into a cognizable offence. Governed primarily by Section 154 of the Code of Criminal Procedure, 1973 (CrPC), the FIR sets into motion the criminal investigative machinery and enables the State to take cognizance of an alleged offence without requiring prior judicial approval. Section 154(1) CrPC mandates that every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing, read over to the informant, and signed by the person giving it. The officer is then required to enter it into a book maintained for that purpose. Non-compliance with this provision may result in disciplinary or legal action against the officer concerned⁷.

⁷ Code of Criminal Procedure, 1973, s. 154(1)

The significance of an FIR lies not only in its procedural importance but also in its evidentiary and administrative consequences. In *Lalita Kumari v. Government of Uttar Pradesh*, the Supreme Court held that registration of FIR is mandatory under Section 154 when the information discloses the commission of a cognizable offence and no preliminary inquiry is permissible in such a situation⁸. However, the Court also carved out exceptions wherein a preliminary inquiry may be conducted before registration, such as in matrimonial disputes, commercial offences, medical negligence cases, and corruption complaints⁹. The objective behind such a mandate is to ensure that police do not arbitrarily refuse to register crimes, thereby denying access to justice. However, this duty has often been misused by complainants, where FIRs are lodged with malicious intent, often to settle personal scores, harass opponents, or coerce through intimidation.

For instance, in *Preeti Gupta v. State of Jharkhand*, the Court expressed concern over the misuse of provisions like Section 498A IPC, which led to innocent individuals being roped into false criminal cases¹⁰. Similar concerns were echoed in *Arnesh Kumar v. State of Bihar*, where the Supreme Court criticized the mechanical arrests made after the registration of FIRs and stressed the need for judicial oversight¹¹.

The implications of misuse are severe. Innocent individuals face arrest, reputational harm, and financial burden due to frivolous or false FIRs. Further, it burdens the police and judiciary with avoidable litigation. Despite safeguards under Section 211 IPC (false charge of offence made with intent to injure) and Section 182 IPC (false information to a public servant), there are limited prosecutions for lodging false FIRs, revealing gaps in enforcement and deterrence.

Recognizing this, the Ministry of Home Affairs (MHA) has issued multiple advisories to state police departments, urging stricter scrutiny before FIR registration in sensitive matters and emphasizing accountability for misuse¹². In conclusion, while the legal framework surrounding FIRs is well-established and backed by judicial precedent, its effectiveness is often diluted by a lack of enforcement, improper discretion, and misuse by complainants. Thus, there is a need

⁸ *Lalita Kumari v. Govt. of U.P.*, (2014) 2 SCC 1

⁹ *Ibid*, para 120

¹⁰ *Preeti Gupta v. State of Jharkhand*, (2010) 7 SCC 667

¹¹ *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273.

¹² Ministry of Home Affairs, "Advisory on Preventing Misuse of Section 498A IPC," F. No. 3/5/2008-Judl. Cell (Admn. of Justice), July 2009.

for institutional reforms, such as pre-registration scrutiny in select cases, stricter perjury proceedings, and enhanced police training to ensure FIRs serve their true purpose of initiating justice rather than becoming tools of harassment.

3.1 STATUTORY PROVISIONS

The First Information Report (FIR) forms the foundation of the criminal investigative process. It is governed primarily by Section 154 of the Code of Criminal Procedure, 1973 (CrPC), which mandates that every information relating to the commission of a cognizable offence, if provided orally to an officer in charge of a police station, must be reduced to writing, signed by the informant, and entered into a register. The police are legally bound to initiate an investigation without prior judicial authorization if a cognizable offence is revealed¹³. To deter the abuse of FIR provisions, the Indian Penal Code (IPC) includes key penal sections. For instance, Section 182 IPC penalizes furnishing false information with intent to mislead a public servant, carrying up to six months imprisonment¹⁴. Section 211 IPC criminalizes the act of falsely charging another with a criminal offence, prescribing imprisonment up to seven years if the offence charged is serious¹⁵.

3.2 JUDICIAL INTERPRETATION

The judiciary has played a pivotal role in interpreting the mandatory nature and procedural safeguards surrounding FIRs. In the landmark case of *Lalita Kumari v. Government of Uttar Pradesh*, the Supreme Court held that the registration of an FIR is compulsory if information reveals a cognizable offence^[4]. However, it allowed exceptions where a preliminary inquiry may be conducted, such as in matrimonial disputes, commercial offences, or cases of medical negligence. Further, in *State of Haryana v. Bhajan Lal*, the Court identified seven illustrative circumstances under which FIRs may be quashed, such as when the complaint does not disclose an offence, or when the allegations are manifestly absurd^[5]. This judgment continues to be a touchstone in evaluating frivolous FIRs, emphasizing that criminal law should not be misused as a tool of vengeance or harassment.

3.3 ROLE OF POLICE IN FIR REGISTRATION

The statutory duty of police to register FIRs under Section 154 CrPC ensures prompt

¹³ Code of Criminal Procedure, 1973, Section 154

¹⁴ Indian Penal Code, 1860, Section 182

¹⁵ Indian Penal Code, 1860, Section 211

investigation, but it can also lead to challenges when misused. Officers may register FIRs under pressure or due to lack of procedural knowledge, resulting in potential miscarriage of justice. A real-life example is the 2014 Rohtak sisters' case, where a video went viral depicting two women allegedly defending themselves from harassment on a bus. Swift FIRs were registered against the accused. However, later evidence, including conflicting witness accounts, discredited the complaint. Despite the case being dropped, the accused men suffered social stigma and employment consequences, highlighting the grave personal costs of false FIRs¹⁶.

3.4 SAFEGUARDS AGAINST MISUSE

In *Preeti Gupta v. State of Jharkhand*, the Supreme Court urged courts to exercise restraint and caution in accepting FIRs at face value, particularly in matrimonial disputes under Section 498A IPC, which was being widely misused to target husbands and their families. The Court advocated for reforms to ensure that arrests were not made mechanically and recommended revisiting the provisions' automatic application.

The Malimath Committee Report (2003) also addressed FIR misuse, recommending a filtering mechanism before registration and criminal consequences for false complainants to uphold the sanctity of the justice system. Recognizing the potential for misuse, the Ministry of Home Affairs (MHA) issued guidelines in 2020 urging police to conduct preliminary inquiries before registering FIRs in sensitive cases like dowry, cybercrime, and SC/ST Act complaints¹⁷.

3.5 RECENT LEGAL DEVELOPMENTS

With increasing digital integration in governance, several states like Delhi and Maharashtra have launched e-FIR portals for online registration of certain crimes, such as theft and cyber offences. While this enhances accessibility, it also creates avenues for filing unverified or false complaints without initial scrutiny. Courts have also stepped in to set limits on misuse. In *Arnab Ranjan Goswami v. Union of India*, the Supreme Court quashed multiple FIRs filed in different states over the same facts, terming them an abuse of legal process and reaffirming the principle against double jeopardy.

¹⁶ *Lalita Kumari v. Govt. of U.P.*, (2014) 2 SCC 1

¹⁷ Ministry of Home Affairs Circular, "Advisory on Registration of FIR and Safeguards Against Misuse," 2020.

CHAPTER 4: JUDICIAL APPROACH TO FALSE FIRS

False or frivolous First Information Reports (FIRs) pose a significant threat to the integrity of India's criminal justice system. The judiciary has long been cognizant of the risk of misuse of legal provisions that allow for FIR registration, especially in cases where the motive is to harass, intimidate, or settle personal scores. Over the years, Indian courts have laid down substantial jurisprudence through landmark decisions, outlining the contours of fair investigation, legitimate prosecution, and remedies against malicious FIRs. This chapter is divided into three sections for structured analysis: judicial recognition of false FIRs, application of quashing powers under Section 482 CrPC, and evolving safeguards.

4.1 JUDICIAL RECOGNITION OF THE MENACE OF FALSE FIRS

The Supreme Court has consistently acknowledged the increasing misuse of FIRs. In *Preeti Gupta v. State of Jharkhand* (2010) 7 SCC 667, the Court highlighted the rampant abuse of Section 498A IPC in matrimonial disputes. The Bench opined that many such complaints are not genuine and are filed with the objective of pressuring the accused or gaining undue advantage in matrimonial proceedings. It stressed the need for legislative review.

Similarly, in *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335, the Court laid down seven illustrative categories under which FIRs can be quashed. The judgment remains a foundational precedent for quashing frivolous FIRs. The Court observed:

"Where the allegations made in the FIR or the complaint, even if taken at face value and accepted in their entirety, do not prima facie constitute any offence or make out a case against the accused, the FIR is liable to be quashed."

The judgment not only set standards for legitimate quashing but also highlighted judicial concern about the weaponization of criminal complaints.

4.2 POWERS UNDER SECTION 482 CRPC: A TOOL AGAINST ABUSE

Section 482 of the Code of Criminal Procedure, 1973, reserves inherent powers for the High Courts to prevent abuse of process or to secure the ends of justice. This provision has emerged as a vital tool in cases involving false or vexatious FIRs.

In *Lalita Kumari v. Government of Uttar Pradesh*, (2014) 2 SCC 1, the Supreme Court held that registration of an FIR is mandatory if the information reveals a cognizable offence. However, the Court also recognized the need for preliminary inquiry in certain categories such

as family disputes and commercial transactions. This nuanced approach balanced the rights of victims and the need to avoid harassment of innocents.

Further, in *Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojirao Angre*, (1988) 1 SCC 692, the Supreme Court emphasized that when a criminal proceeding is manifestly attended with mala fide intent and is maliciously instituted, courts must step in to prevent abuse.

"The legal process should not be permitted to degenerate into a weapon of harassment or persecution."

The power under Section 482 is thus not merely discretionary but a constitutional safeguard against arbitrary prosecution.

4.3 INSTITUTIONAL RESPONSES AND EMERGING GUIDELINES

Over time, the judiciary has also pushed for institutional reforms and guidelines to curb the misuse of FIRs. In *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273, the Supreme Court issued clear directives to police officers regarding arrests in Section 498A cases. The Court mandated compliance with Sections 41 and 41A CrPC to ensure arrests are not made without justification. This judgment had a ripple effect, with states issuing circulars to police stations emphasizing the necessity of verification before acting on FIRs in sensitive matters. Moreover, High Courts across India have built on this jurisprudence. For instance, in *Rajeev Kaurav v. Baisahab*, 2020 SCC OnLine SC 364, the Supreme Court reiterated that criminal law cannot be invoked to settle civil disputes. Additionally, the Law Commission of India, in its 243rd Report, recommended stricter penalties for filing false FIRs and emphasized the need to sensitize law enforcement officers about the consequences of wrongful prosecution.

CHAPTER 5: STATISTICAL TRENDS AND REAL-LIFE IMPLICATIONS

The misuse of criminal law through the filing of false or frivolous First Information Reports (FIRs) poses a significant challenge to the integrity of India's justice system. While the FIR serves as a foundational tool for initiating criminal investigations, its weaponization by certain individuals has led to alarming consequences for the falsely accused and an overburdened legal infrastructure. This chapter seeks to explore the statistical landscape surrounding false FIRs in India, drawing from authoritative sources like the National Crime Records Bureau (NCRB), judicial pronouncements, and policy reports. Through real-life case studies and court data, it

highlights the tangible harm caused by false allegations—both to individual liberties and institutional credibility. The chapter also delves into patterns of misuse across specific provisions like Section 498A IPC and assesses the broader implications on police efficiency, public trust, and legal reforms.

5.1 OVERVIEW OF STATISTICAL DATA ON FALSE FIRS

The analysis of statistical data on FIRs is crucial to understanding the extent of misuse in the Indian criminal justice system. According to the National Crime Records Bureau (NCRB), in its annual reports from 2020 to 2023, there has been a noticeable increase in cases that were declared false or found to be “mistake of fact” after police investigation. For instance, the NCRB’s 2022 report indicates that out of the total 60.9 lakh cognizable crimes reported, nearly 8.6% were closed as false after verification under Section 157 of the CrPC¹⁸.

Notably, in certain states like Uttar Pradesh, Bihar, and Rajasthan, the percentage of false FIRs is disproportionately high, which raises serious concerns about misuse. The NCRB Crime in India 2021 report recorded that in matrimonial disputes, nearly 18% of complaints under Section 498A IPC were found to be unsubstantiated¹⁹.

5.2 IMPACT ON ACCUSED AND SYSTEMIC BURDEN

False FIRs not only affect the individuals falsely accused but also clog the machinery of criminal justice. Accused individuals often face severe reputational damage, psychological trauma, and prolonged litigation before being exonerated. In many cases, they are denied bail, lose employment opportunities, or face social ostracization.

For example, in *Rajesh Sharma v. State of U.P.* [(2017) 8 SCC 746], the Supreme Court observed that misuse of Section 498A IPC had become a common phenomenon and recommended the constitution of Family Welfare Committees to screen complaints before legal action²⁰. However, this recommendation was partially overturned in *Social Action Forum for Manav Adhikar v. Union of India* [(2018) 10 SCC 443], where the Court held that such screening could not be made mandatory. False FIRs also significantly burden police resources. A 2022 PRS Legislative Research report estimated that over 30% of police time is spent

¹⁸ National Crime Records Bureau, *Crime in India 2022*, Ministry of Home Affairs, Govt. of India.

¹⁹ NCRB, *Crime in India 2021*, Chapter 5: Crime Against Women.

²⁰ *Rajesh Sharma v. State of U.P.*, (2017) 8 SCC 746.

investigating cases that ultimately lead to no prosecution, with many involving false or exaggerated allegations²¹.

5.3 HIGH-PROFILE AND REAL-LIFE CASES

Numerous real-life incidents demonstrate the consequences of frivolous FIRs:

Rohtak Sisters Case (2014): Two sisters were hailed as heroes for allegedly beating molesters on a bus. However, CCTV footage and witness testimony later contradicted their version. The accused were acquitted, but their social and professional lives had already been irreparably harmed²².

Zaira Wasim Molestation Case (2017): The actress filed an FIR against a fellow passenger, which received widespread media attention. Later investigations raised doubts, suggesting misinterpretation rather than intentional assault²³. Such cases, while relatively few compared to the broader crime data, highlight the dangers of knee-jerk police action under media pressure and the absence of filters at the FIR stage.

5.4 TRENDS IN COURT DISPOSITIONS

Data from the Supreme Court Annual Report 2022 and various High Court statistics reveal that a growing number of criminal cases are being quashed under Section 482 CrPC due to a lack of prima facie evidence or mala fide intent. In *State of Telangana v. Habib Abdullah Jeelani* [(2017) 2 SCC 779], the Supreme Court held that the inherent power under Section 482 must be exercised with caution but affirmed its role in preventing abuse of the process of law²⁴. According to a Live Law report (2023), the Delhi High Court quashed nearly 25% of FIRs filed under Sections 498A, 354, and 509 IPC between 2019–2022, finding them either exaggerated or settled amicably²⁵.

CHAPTER 6: CHALLENGES IN IMPLEMENTATION AND ACCOUNTABILITY

The effective implementation of legal safeguards against false FIRs in India remains fraught with procedural and institutional challenges. Despite clear statutory and judicial guidelines,

²¹ PRS Legislative Research, *Police Reforms in India*, 2022.

²² Rohtak Sisters Case: Acquitted Men Say Lives Ruined,” *India Today*, March 2017.

²³ Zaira Wasim Molestation Case: NCW Closes File,” *The Hindu*, January 2018

²⁴ *State of Telangana v. Habib Abdullah Jeelani*, (2017) 2 SCC 779.

²⁵ Live Law Report, “Delhi HC Quashes 25% FIRs under Gender-Related Offences in 3 Years,” April 2023.

lapses in investigation, delayed trials, and unaccountable enforcement continue to obstruct justice. Structural flaws within the judiciary, such as inadequate accountability mechanisms and judicial vacancies, further compound the issue. Cases of deliberate misuse of legal provisions expose the lack of deterrents against filing frivolous complaints. These gaps not only burden the courts but also tarnish the credibility of genuine victims. This chapter examines key procedural, structural, and enforcement-related challenges, underscoring the urgent need for systemic reform.

6.1 PROCEDURAL GAPS IN INVESTIGATIVE AND PROSECUTORIAL PROCESSES

Despite a robust legal framework comprising the Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), and Indian Evidence Act, the Indian criminal justice system grapples with persistent procedural challenges. Delayed trials, political interference, inefficient investigations, and low conviction rates hinder the timely delivery of justice and erode public trust²⁶. A notable instance highlighting procedural lapses is the case of Manohar Jawahar Gupta, arrested in 2012 for allegedly possessing 16 country-made pistols and 10 cartridges. The Mumbai court acquitted him due to multiple procedural lapses, including contradictory testimonies and a lack of valid sanction under Section 39 of the Arms Act. The court found the prosecution lacked credible evidence, leading to Gupta's acquittal²⁷.

Furthermore, the Madras High Court emphasized the necessity for police officials to strictly enforce directives regarding the timely and proper filing of final reports in criminal cases. Justice B. Pugalendhi stressed that mere issuance of circulars is insufficient without rigorous implementation, highlighting the critical need for accountability in law enforcement procedures²⁸.

6.2 STRUCTURAL AND INSTITUTIONAL BARRIERS TO JUDICIAL ACCOUNTABILITY

The Indian judiciary's mechanisms for accountability are often criticized for their

²⁶ Vinay Kumar and Yogendra Singh, 'Investigation and trial: Analyzing procedural challenges in the Indian criminal justice system' (2024) 4(2) Criminal Law Journal 25, 150

²⁷ <https://timesofindia.indiatimes.com/city/mumbai/man-held-with-16-guns-in-12-cleared-over-discrepancies/articleshow/121323812.cms>.

²⁸ <https://timesofindia.indiatimes.com/city/madurai/circular-on-final-reports-should-be-strictly-enforced-by-police-officials-hc/articleshow/121345509.cms>.

ineffectiveness. The only formal mechanism for removing judges of the Supreme Court and High Courts is impeachment, which is highly impractical and rarely used due to its complex and political nature. Other mechanisms, such as in-house procedures for complaints against judges, lack statutory backing and have proven ineffective²⁹.

Justice Ravindra Chavan, former Bombay High Court judge, has called for sweeping reforms in India's judicial recruitment system to address the critical shortage of judges and a backlog of over 5 crore cases. He proposed the creation of an All India Judicial Service (AIJS) to centralize and standardize judicial appointments, aiming to revamp the judiciary into a more inclusive, efficient, and technologically adept institution³⁰.

6.3 ENFORCEMENT FAILURES AND THE NEED FOR SYSTEMIC REFORMS

Enforcement failures are evident in cases where false FIRs are filed with malicious intent. For instance, a Lucknow SC/ST Special Court sentenced advocate Lakhan Singh to 10 years and 6 months in prison for lodging approximately 20 fake FIRs under the SC/ST (Prevention of Atrocities) Act. The court criticized Singh for gross misuse of legal provisions to harass innocent individuals, terming his actions a mockery of justice³¹.

Additionally, the Madhya Pradesh High Court quashed an FIR filed against a Judicial Magistrate First-Class (JMFC) in Panna district, who was accused of rape and dowry harassment. The court determined that the two-year gap between the initial incident and the complaint suggests a failed romantic relationship rather than a criminal offense, deeming the FIR an attempt to harass³². These cases underscore the pressing need for systemic reforms to prevent the misuse of legal provisions and ensure accountability in the enforcement of laws.

CHAPTER 7: CONCLUSION AND SUGGESTIONS

The increasing misuse of the First Information Report (FIR) mechanism through false and frivolous complaints poses a grave threat to the integrity of India's criminal justice system. While statutory provisions under the CrPC and IPC exist to regulate FIR registration and

²⁹ <https://www.lawweb.in/2025/04/11m-notes-challenges-of-judicial.html>.

³⁰ <https://timesofindia.indiatimes.com/city/nagpur/justice-chavan-calls-for-national-judicial-service-reforms-to-address-vacancies-in-judiciary/articleshow/121299899.cms>.

³¹ <https://timesofindia.indiatimes.com/city/lucknow/lawyer-gets-10-5-yrs-jail-for-filing-false-firs-under-sc/st-act/articleshow/121220297.cms>.

³² <https://timesofindia.indiatimes.com/city/bhopal/hc-quashes-rape-dowry-fir-against-judicial-officer/articleshow/121323480.cms>.

penalize false accusations, their enforcement remains inadequate. Judicial pronouncements have consistently underscored the need for cautious scrutiny and have laid down illustrative guidelines for quashing malicious FIRs. However, the systemic issues persist due to inadequate training, lack of preliminary inquiry mechanisms, and absence of accountability for both complainants and investigating officers.

To address this, a multi-pronged approach is essential. First, statutory reforms should mandate preliminary inquiries in non-emergency complaints, particularly in matrimonial, commercial, and politically sensitive cases. Second, provisions like Sections 182 and 211 IPC must be enforced more rigorously to deter malicious complainants. Third, police officers must undergo continuous training to distinguish between genuine and fabricated complaints, supported by internal review mechanisms and e-FIR safeguards. Fourth, the judiciary must be equipped with better resources to expedite proceedings in cases involving false FIRs, including the imposition of exemplary costs and penalties. Moreover, public legal awareness campaigns are necessary to educate citizens about the consequences of misusing criminal law. Only through a balanced legal and administrative framework can the objectives of justice, fairness, and deterrence be truly achieved in India's criminal justice system.

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