

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.
All rights reserved.**

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

ABUSE OF CRIMINAL LAW IN INDIA: ISSUES AND CHALLENGES WITH SPECIAL REFERENCE TO JUVENILES

AUTHORED BY - CHAUHAN DHARUV KETANKUMAR¹
& MS. MANSI PRAGYA²

Abstract

Criminal law serves as an essential mechanism for maintaining social order and ensuring justice be penalized wrongful conduct and protecting individuals from harm. However, in recent years, increasing concerns have been raised regarding the abuse of criminal law in India. In several instances, criminal proceedings are initiated not with the genuine objective of seeking justice, but rather as a means of harassment, personal vendetta, political rivalry, or to exert undue pressure in civil, family, or commercial disputes. Such as misuse of legal provisions not only affects innocent individuals but also undermines the credibility and efficiency of the criminal justice system. The abuse of criminal law often manifests in the form of false complaints, malicious prosecution, and unwarranted arrests. These practices lead to serious consequences including harassment, damage to reputation, financial burden, and psychological distress for the persons involved. Moreover, the unnecessary initiation of criminal proceedings contributes to the growing backlog of cases in courts and diverts judicial resources from genuine disputes that require urgent attention. A matter of a particular concern arises when juveniles are implicated in criminal proceedings. Juveniles represent a vulnerable section of society and are entitled to special care, protection, and a reformatory approach within the justice system. Improper investigation, social conflicts, or misuse of legal procedures may sometimes lead the involvement of juveniles in criminal cases, increasing significant legal and ethical concerns. It therefore becomes essential to examine the way the criminal justice system addresses such situations while safeguarding the principles of fairness and rehabilitation. This paper seeks to examine the nature, causes, and consequences of the abuse of criminal law in India, with special reference to juveniles. It also analyses the judicial approach adopted by courts in preventing misuse of criminal proceedings and highlights the challenges faced by the criminal justice system dealing with such issues.

¹ Student at Silver Oak Law College, Silver Oak University, Ahmedabad.

² Lecturer at Silver Oak Law College, Silver Oak University, Ahmedabad.

Keywords: Abuse of Criminal Law, False Prosecution, Juvenile Justice, Criminal Justice System, Malicious Prosecution, Legal Safeguards.

Introduction

Criminal law constitutes one of the most significant branches of the legal system, as it seeks to maintain social order, deter unlawful conduct, and ensure justice within society. By defining offences and prescribing punishments, criminal law aims to protect individuals and uphold the rule of law. The criminal justice system operates through various institutions such as police, courts, and correctional mechanisms to ensure that offenders are brought to justice while safeguarding procedural fairness. Ideally, criminal law is intended to serve as an instrument of justice and social protection.

However, in practice, instances of abuse of criminal law have increasingly become a matter of concern in India. Criminal Proceedings are sometimes initiated not with the genuine intention of seeking justice but as a strategy for harassment, retaliation, or personal gain. False complaints, malicious prosecution, and the misuse of legal provisions in personal, family, or commercial disputes have contributed to this growing problem. Such practices place innocent individuals under unnecessary legal pressure, cause reputational and financial harm, and significantly burden the already overstained criminal justice system.

A particular sensitive dimension of this issue arises when juveniles become involved in criminal proceedings. Children and adolescents are considered a vulnerable group within society and require special protection under the law. Their involvement in criminal cases, whether due to social circumstances, wrongful implication, or lack of proper investigation, raises serious concerns regarding fairness and justice. Recognizing these challenges, Indian law provides a separate legal framework under the which emphasizes rehabilitation and reform rather than punishment. In this context, it becomes important to critically examine the abuse of criminal law in India and its implications, particularly with reference to Juveniles within the criminal justice system.

Meaning, nature, and Misuse of Criminal Law

The Criminal justice system is established with the primary objective of maintaining the law and order and ensuring that offenders are punished in accordance with the law. Criminal law functions as a mechanism to deter crime, protect individuals, and uphold the justice within

society. However, despite its intended purpose, the legal system can sometimes be used in a manner that deviates from its primary or fundamental objectives. The misuse or abuse of criminal law refers to situations where legal provisions are invoked for ulterior motives such as harassment, revenge, or personal advantage.

Misuse of criminal law generally occurs when criminal proceedings are initiated without sufficient legal grounds or with malicious intent. This may include the filing of false or exaggerated complaints, the registration of baseless First Information Reports (FIRs), or the initiation of criminal proceedings in matters that are essentially civil in nature. In many cases, criminal law is used as a tool to exert pressure in family disputes, business conflicts, property disagreements, or personal rivalries. Such actions distort the purpose of criminal law and result in the unnecessary involvement of individuals in lengthy and stressful legal processes.

The nature of misuse of criminal law also reflects certain systematic challenges within the criminal justice system. Factors such as inadequate investigation, lack of preliminary scrutiny before the registration of complaints, and procedural delays may sometimes contribute to the continuation of baseless cases. As a result, innocent individuals may face arrest, prolonged trials, and social stigma before their innocence is ultimately established. The courts in India have repeatedly recognized the seriousness of such misuse and have emphasized the need to prevent arbitrary or malicious prosecution in order to preserve the integrity of the justice system.

The problem of overcriminalisation becomes stark when viewed through every day, routine transaction. Consider a simple consumer scenario, an individual orders a product online, makes full payment, but the item is never delivered. At its core, this is civil wrong, a breach of contract or deficiency of service, for which remedies lies under consumer protection laws or civil recovery. However, it is increasingly common for such grievances to be escalated into criminal complaints alleging cheating under the Bharatiya Nyaya Sanhita, accompanied by threats of arrest and police intervention. In such cases, unless it can be shown that the seller had a dishonest intention at the very inception, for instance, that the platform or vendor never intended to deliver the product at all, the essential mens rea required for cheating is absent. The mere non-fulfilment of a promise, even if negligent or commercially irresponsible, does not metamorphose a civil breach into a criminal offence³. Another important aspect of misuse of

³ <https://www.livelaw.in/articles/civil-wrongs-crimes-overcriminalisation-522466>

criminal law is the initiation of criminal proceedings in the matter that initially involve civil disputes. By invoking criminal proceedings or provisions, complaints may attempt to pressure the other party into settling the dispute or complying with certain demands. Such practices blur the distinction between civil and criminal liability and place an unnecessary burden on the criminal justice system.

Additionally, delays in investigation and trial may prolong the suffering of individuals who have been wrongly implicated in criminal proceedings. The consequences of such misuse are not limited to the parties involved but also affect the efficiency of the justice system by increasing the number of unnecessary cases before the courts. Recognizing the seriousness of this issue, the judiciary in India has on several occasions emphasized the need to prevent the criminal law. Courts have observed the criminal proceedings should not be allowed to become instruments of harassments or oppression. Judicial intervention has therefore played an important role in ensuring that criminal law is applied in a fair and responsible manner. By addressing instances of misuse and establishing safeguards against malicious prosecution, the court seek to preserve the integrity of criminal justice system and ensure that the law serves its true purpose of delivering justice.

Causes of Misuse of Criminal Law

The misuse of criminal law in India can be attributed to several legal, social, and institutional factors. While the criminal justice system is intended to address genuine offences, various circumstances encourage individuals to invoke criminal law for purposes other than the pursuit of justice. One of the most common cause of such misuse is personal animosity or revenge. Individuals who are involved in personal disputes may attempt to implicate their rivals or opponents in criminal cases in order to harass them or damage their reputation. The fear of criminal prosecution, social stigma, and legal complications can be used as a tool to exert pressure on accused party.

Another significant cause of misuse arises from disputes that are essentially civil in nature. Conflicts related to property, contractual obligations, financial transactions, and family matters often lead to the filing of criminal complaints even though the issue may primarily fall within the domain of civil law. This practice not only distort or destroy the very purpose of the criminal law, but also burdens the criminal justice system with matters that could otherwise be resolved through civil remedies.

Family and matrimonial disputes also contribute significantly to the misuse of criminal law. In certain cases, the criminal provisions invoked during marital conflicts or domestic disagreements, leading to the initiation of criminal proceedings against multiple members of the family. While legal provisions exist to protect the victims of genuine abuse or violence, their misuse can lead to wrongful implication of individual who may not be directly involved in the alleged offence. Such situation creates complex legal challenges and increases the workload of investigating agencies and courts.

In addition to these factors, social and psychological motivations may also influence the misuse of criminal law. In certain situations, individual may attempt to use the criminal justice system to gain social or economical advantage, or to intimidate others within their community or workplace. Such misuse weakens the public confidence in the legal system and diverts the judicial resources away from genuine criminal matters that require urgent attention. Therefore, understanding the underlying causes of the misuse of criminal law is essential for developing effective legal and institutional measures to prevent such practices and ensure that the criminal justice system functions in a fair and responsible manner.

False Criminal Prosecution in India:

False criminal prosecution represents one of the most serious forms of abuse of criminal law within the justice system. It occurs when a person is deliberately subjected to criminal proceedings without reasonable cause or legal justification. In such cases, the complainant knowingly provides false information or exaggerated allegation with intention of implicating another individual in a criminal offence. This misuse of the legal process not only causes injustice to the accused but also undermines the integrity and credibility of the criminal justice system.

In India, false criminal cases may arise in a variety of situations, including personal rivalries, property disputes, family conflicts, and business disagreements. Individuals sometimes resort to filing criminal complaints as a strategy to gain leverage over the opposing party. Once a criminal case is registered, the accused person may face police investigation, possible arrest, and prolonged court proceedings. Even if the accused is eventually acquitted, the process itself can result in serious consequences such as reputational damage, financial hardship, and emotional distress.

False criminal prosecution also places a heavy burden on investigative agencies and courts. When law enforcement authorities are required to investigate baseless allegations, valuable time and resources are diverted from genuine criminal cases that require urgent attention. The growing backlog of cases in Indian courts is partly attributed to such unnecessary litigation. As a result, the overall efficiency of the criminal justice system is affected, leading to delays in the administration of justice.

The Indian judiciary has repeatedly acknowledged the seriousness of false criminal prosecution and has emphasized the need to prevent the misuse of legal procedures. Courts have observed that criminal law should not be allowed to become a weapon for harassment or oppression. Judicial scrutiny of complaints and investigation plays an important role in ensuring that criminal proceedings initiated only when there is significant legal basis.

Conclusion

The criminal justice system plays a vital role in maintaining order and ensuring justice within society. Criminal law is intended to punish offenders, protect victims, and uphold the rule of law. However, the growing instances of abuse of criminal law in India reveal significant challenges within the legal system. The misuse of criminal provisions through false and frivolous complaints, malicious prosecution, and the unnecessary criminalization of civil disputes undermines the fundamental purpose of criminal law and weakens public confidence in the justice system.

The study highlights that abuse of criminal law not only causes hardship to individuals who are falsely implicated but also places a burden on investigative agencies and courts. Innocent persons may suffer reputational damage, financial loss, and emotional distress due to prolonged legal proceedings. When juveniles become involved in such situations, the consequences may be even more serious, as criminal proceedings can negatively affect their development, education, and future opportunities.

The issue of misuse of criminal law also reflects broader structural and procedural challenges within the criminal justice system framework. Lack of preliminary scrutiny in certain cases, delays in investigation in trials, and the tendency to use criminal proceedings as pressure tactics in personal or civil disputes contribute to this problem. Addressing these issues requires greater accountability within law enforcement agencies, improved procedural safeguards, and stronger

judicial oversight to prevent the misuse of criminal processes.

In conclusion, while criminal law remains an essential instrument for maintaining the justice and social order, its misuse poses serious concerns for the legal system. Preventing abuse of criminal law is necessary not only to protect the innocent individuals but also to ensure the proper functioning and credibility of the criminal justice system. Effective legal safeguards, responsibilities use of legal procedures, and greater awareness among individuals can help ensure that criminal law continues to serve its intended purpose as a mechanism for justice rather than becoming a harassment or exploitation.

References

1. Ratanlal & Dhirajlal's The Indian Penal Code, LexisNexis, Latest Edition.
2. K. D. Gaur – Textbook on Indian Penal Code, Universal Law Publishing, Latest Edition.
3. K. N. Chandrashekharan Pillai – R. V. Kelkar's Criminal Procedure, Eastern Book Company, Latest Edition.
4. V. N. Shukla – Constitution of India, Eastern Book Company, Latest Edition.
5. Dr. N. V. Paranjape – Criminology and Penology, Central Law Publications, Latest Edition.