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A CRITICAL ANALYSIS OF FALSE ACCUSATIONS OF SEXUAL VIOLENCE AGAINST MEN BY WOMEN: A DOCTRINAL RESEARCH.

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Abstract

The rise of laws against sexual offences over centuries has given women the power to fight for justice and remedies against sexual perpetrators, helping them overcome institutional discrimination and biases with the support of an evolved society that stands by them.

However, these laws have also emboldened some women to use them as a source of weapon and exploitation to attack good, honest, and innocent men for personal benefit, gain, and revenge. Even if the empirical statistics of false accusations are low, they are still enough to cause massive ripples in society. These malicious prosecutions and false allegations have destroyed the careers, reputations, respect, lives, minds, health, peace, and kith and kin of the men, leaving them and their families ostracised, isolated, ridiculed, and harassed. This destructive misuse of the law has led to a bitter war of the sexes, allowing residual patriarchal elements to lurk and encroach back into our progressive society. Ultimately, the true purpose of these protective laws is defeated by those who abuse this power granted by these very such laws, heavily damaging the credibility of genuine female victims who genuinely need protection and reinforcing a patriarchal mindset once again. Consequently, women who are still hesitant to report the sexual crimes committed against them out of social stigma, lingering patriarchal prejudice, ineffective inefficient law enforcement procedures, and fear of their assailants are forced to remain silent on their dark, tragic past and move on because they do not want to be branded as liars and face victim blaming, despite recent women protective laws being in their favour.

Chapter1: Introduction

The Principle of Natural Justice is built on core rules that ensure fairness, transparency, and accountability in decision-making by authorities. These features are essential for maintaining the rule of law under the Constitution of India.

- **Rule Against Bias (Nemo Judex in Causa Sua):** No person should act as a judge in their own case; ensures impartial and unbiased decisions.
- **Right to Fair Hearing (Audi Alteram Partem):** Every individual must be given a reasonable opportunity to present their case before a decision is made.
- **Reasoned Decision (Speaking Order):** Authorities must provide clear and logical reasons for their decisions to ensure transparency.
- **Fair and Just Procedure:** The process followed must be reasonable, non-arbitrary, and in line with principles of justice.
- **Applicability to All Authorities:** Extends to judicial, quasi-judicial, and administrative bodies.
- **Protection of Fundamental Rights:** Closely linked with Articles 14 and 21, safeguarding equality and personal liberty.
- **Prevention of Arbitrary Power:** Acts as a check against misuse or abuse of authority.
- **Flexibility in Application:** Not rigid; can be adapted based on the nature of the case and circumstances¹.

Unfortunately, this not always followed in all the cases especially in sexual assault cases where the judge gets carried away by emotions or public pressure and outrage or routinely applying the same decision in other cases without taking the merits and circumstances into consideration either way they have failed to use the discretionary powers to reach a logical conclusion and legal verdict. As upsetting and disappointing it is to see patriarchal elements persisting in law enforcement and judiciary based on their prejudiced expectations for genuine female survivors, it is sad and unfortunate that the falsely accused men are not given the chance to have their side of the story heard without judgement and contempt even before the trial could commence or when the investigation hardly started in recent times. To know why both men and women are heavily affected in this sensitive matter, we need to understand the evolution of laws against sexual offences, which has given women the power to fight back against sexual crimes or redress their grievances only to fall in wrong hands through false claims and fake charges that have devastating impact and cruel consequences on the society.

¹ Abhishek Singh, *Principle of Natural Justice, Meaning, Features, Case Laws*, VAJIRAM & RAVI (Sept. 1, 2026), <https://vajiramandravi.com/current-affairs/principle-of-natural-justice/>.

Chapter 2: Timeline: Historical Progression Of Laws Over Sexual Violations In India

1. Ancient Period (c. 1500 BCE – 1200 CE) | Customary Systems & Structural Canonical Law

- **The Paradigm of Family Reputation:** Jurisprudence in early civilisation treated sexual offences primarily as infringements upon the collective reputation of a family or caste group, rather than looking at individual bodily autonomy.²
- **Kautilya's Political Doctrines:** The *Arthashastra* framed sexual assault as a direct threat to state stability. It instituted fixed economic penalties (*panas*) and harsh physical outcomes, explicitly extending protection to royal courtesans and workers (*Rupajiva*).³
- **The Caste Divide of *Manusmriti*:** This text mandated heavy corporal punishments up to the death penalty for violating unwilling women. However, accountability was sharply stratified by the *Varna* (caste) system, causing lower-caste defendants to face severe physical executions for acts that lightened significantly for upper-caste individuals.⁴

2. Medieval Period (c. 1200 CE – 1750s) | Bifurcated Judicial Domains

- **Imperial Mughal Doctrines:** Following Hanafi Islamic jurisprudence, the imperial courts mandated capital execution or stoning for forced sexual acts (*Zina-bil-jabr*) based on the marital status of the perpetrator. However, legal conviction was strictly tied to severe evidentiary standards, requiring multiple upright male eyewitnesses.⁵
- **Autocracy of Communal Tribunals:** Across rural regions, the crown had a minimal judicial footprint. The vast majority of sexual violations were resolved by localized *Caste Panchayats*, which relied heavily on decentralised traditions, leading to highly variable outcomes.⁶

3. Colonial Era: 1860 | The Inception of the Statutory British Framework

- **The Introduction of the IPC:** Spearheaded by Lord Macaulay, the **Indian Penal Code (IPC) of 1860** established the sub-continent's first codified criminal statutes. It defined

² Uma Chakravarti, *Conceptualising Classical Brahmanical Patriarchy* (2016).

³ Kautilya, *The Arthashastra* bk. IV, chs. XII & XIII (R. Shamasastri trans., Government Press 1915).

⁴ Manu, *The Laws of Manu* ch. VIII, vv. 352–385 (G. Bühler trans., Clarendon Press 1886).

⁵ Mona Siddiqui, *The Good Muslim: Reflections on Classical Islamic Law and Theology* (2012).

⁶ Werner Menski, *Hindu Law: Beyond Tradition and Modernity* (2003).

rape strictly through penile-vaginal penetration under **Section 375** and penalised actions that "outraged the modesty of a woman" under **Section 354**.

- **Victorian Legal Constraints:** Built on old English common law, the statutory framework prioritised Victorian public morality and societal order. To secure a conviction, the law demanded proof of visible, heavy physical resistance from the victim, entirely omitting psychological coercion, non-physical harassment, or marital assault.
- **Legalised Character Assassination:** The **Indian Evidence Act of 1872** explicitly contained Section 155(4), which allowed defence teams to present evidence of a complainant's "generally immoral character" to presume her consent, embedding victim-blaming right into court trials.

4. Post-Independence Era: 1983 – 2018 | Shifting Accountability and Legislative Reforms

- **The Mathura Incident Protests (1983):** After police officers were acquitted in the *Mathura Custodial Rape Case*⁷ because the trial bench assumed a lack of visible injuries meant the young tribal victim consented, public outrage sparked an unprecedented, nationwide civil rights movement. The resulting **1983 Reform Act** updated the IPC to penalize "**custodial rape**" and introduced Section 114A to the Evidence Act, **reversing the burden of proof** onto the accused.
- **The Vishaka Mandate (1997):** The gang rape of an active social worker, Bhanwari Devi, highlighted a severe legislative void regarding non-penetrative workplace harassment. In *Vishaka v. State of Rajasthan*⁸, the Supreme Court stepped in, using Constitutional equality (Articles 14 and 15)⁹ to establish the **Vishaka Guidelines**, creating the country's first mandatory framework for employer accountability.
- **The Nirbhaya Overhaul (2013):** The horrific 2012 gang rape in Delhi catalysed mass societal rebellion, prompting the **Criminal Law (Amendment) Act, 2013**. This act widened the definition of rape, legally codified consent as an **unequivocal, voluntary agreement**, and introduced sections targeting **Sexual Harassment (Sec 354A)**, **Voyeurism (Sec 354C)**, and **Stalking (Sec 354D)**. Concurrently, the **PoSH Act of 2013** turned the Vishaka rulings into statutory law.

⁷ *Tuka Ram v. State of Maharashtra*, A.I.R. 1979 S.C. 185.

⁸ *Vishaka v. State of Rajasthan*, (1997) 6 S.C.C. 241.

⁹ INDIA CONST. arts. 14, 15.

- **Capital Punishment for Child Abuse (2018):** Driven by intense public outcry over minor rapes, the **Criminal Law (Amendment) Act, 2018** updated criminal laws to allow courts to hand down the **death penalty** for the rape of a minor under 12 years of age, alongside enforcing strict, fast-track timelines.

5. Present Era: 2023–Present | Structural Reorganisation under the BNS

- **Repealing the Colonial IPC:** The ancient, colonial-era IPC was officially retired and replaced by the **Bharatiya Nyaya Sanhita (BNS)**.
- **Elevated Priority:** The new code systematically grouped all gender-based and juvenile offences into a single, high-priority segment titled **Chapter V: "Offences Against Woman and Child"**.
- **Section 69 of the BNS:** The law created a standalone offence penalising sexual intercourse obtained through **deceitful means**. This explicitly punishes using fake employment offers, concealing identity, or making false promises of marriage with zero intent to fulfil them to secure physical relations.
- **Enforced Fast-Track Mandates:** To counter chronic backlogs, the BNSS instituted legally binding, strict timelines on medical evaluations, police investigations, and final judicial verdicts.¹⁰

Chapter 3: Understanding The Reasons Behind The Evolution Of Women Protective Laws Against Sexual Offences.

Women were at the receiving end of the society all throughout the history. They were considered as marginalised vulnerable second-class citizens. Laws were created to protect and save women from harassment, exploitation and violence especially sexual offences but through the patriarchal lens where they expect women to convince the men by proving their virtuous pious characters so that their statements can be backed up by witnesses known to them such as community members, older matrons, or male relatives and guardians and they are expected to behave in such a way that the men are satisfied they are submissive good women who had committed no wrong but rather were innocent victims of crime. Otherwise, in the absence of localized support networks, displaced survivors faced profound systemic disadvantages because the legal machinery frequently subjected the non-local victim to hostile skepticism and unfair criminalisation and this diagnostic bias was further aggravated by entrenched tribal and

¹⁰ Bharatiya Nagarik Suraksha Sanhita, 2023, §§ 184(6), 193(9), 258.

caste frameworks, where insular local clans fiercely shielded the perpetrators from external judicial intervention. Moreover, their sexual history should be completely clean in a sense they are not prostitutes or promiscuous women for they will not get justice because of their carnal past even though they did not give consent to their perpetrators to harm them sexually. It has left women in agony and anguish as they are already forced to relive the traumas and they are made to suffer in silence because the patriarchal society decides as to what justice is good for them based on their characters and their social status. Women were not given the voice to speak up or have equal opportunities like men to have their stories fully heard without discrimination. Their dispositions and reputations were inextricably linked to the social standing of their families for they were considered as family-owned properties not as persons and even if women were proven innocent in the eyes of the law, they were still considered as fallen women by the society because the sexual offence committed against their bodies has made them contaminated making them socially radioactive. Women were forced to keep their tragic dark past to themselves so that they would not be judged with stigmas and prejudice by a society hypocritical in nature about who are the true victims of certain crimes like murder, thievery, vandalism etc.

The rise of feminism in the late 18th century has forced the male-dominated societies to realise their errors in their knowledge of nature and gravity of sexual offences, prompting them to re-evaluate their understanding of female victim's plights and pain. This awakening came at a terrible cost where women had to become martyrs, winning the hearts of public through their work of literature and arts and vocalising their sorrows and sufferings to finally get the attention of empathetic and broad-minded men whether liberals or conservatives. These allies moved by the resilience and profound intellect of women, were willing to cast aside patriarchal standards, offer high regards and champion the cause. Through this cross political support, women finally secured the passage of favourable legislation, even after almost losing everything in the process.

From patriarchal conforming laws to women oriented protective legislations, women gradually and finally got the ability to speak up about their horrific sexual ordeals without pressures and judgements. The societies evolved and progressed over centuries through awareness, protest, campaign, public education and advocacy because of mass media and social media culminating in landmark laws and historical verdicts.

Gender sensitivity was lacking in the earlier laws which is also the reason for the sexual violence occurrence and the non-contact sexual assaults like stalking, sexual harassment and voyeurism were rampant across public, professional and private spaces. So, it was subtly

embedded and explicitly implemented through two distinct mechanisms. First, statutory amendments and landmark verdicts expanded the strict penal definition of sexual offences within criminal codes. Second, this sensitivity was institutionalised through local administrative guidelines and daily compliance regulations. Thus, the strict narrow definition of sexual offences as physical offences only is dismantled, and the non-contact sexual assaults were finally considered as punishable offences.

Recent legislative reforms allow women to file complaints independently, without geographical constraints or time limitations. Concurrently, legal frameworks impose severe administrative, punitive, and financial penalties on officials who fail to discharge their statutory duties. Furthermore, specialised institutional accommodations and procedural safeguards have been established to protect vulnerable demographics, ensuring equitable legal access for female survivors of sexual assault who are mentally challenged, physically disabled, or senior citizens.

Chapter 4: The Weaponisation Of Laws As A Source Of Misuse: False Accusation.

The laws were amended numerous times to enhance access to justice and remedies for female survivors of sexual assault, aiming to ease their anguish and help them overcome their trauma. However, this has granted such extensive leverage that some individuals have unfortunately abused these frameworks—utilising them as a tool of offence rather than defence to achieve personal satisfaction and validation. Consequently, a profound **cause-and-effect relationship** unfolds when a false accusation is levelled against a man, triggering a destructive domino effect that extends far beyond the accused individual.

1. Reasons for women falsely accusing the men are as followed:

- **Bitter relationship dissolution** involves strategic retaliation, personal hatred, or deep malice following the acrimonious breakdown of romantic partnerships, marriages, or long-term associations where separation fails to occur amicably. Accusations in these emotional contexts are frequently manufactured to inflict maximum social, emotional, or reputational damage on the departing partner out of pure spite or a desire for vengeance. The accuser uses the severe emotional fallout of the breakup to justify a scorched-earth approach, transforming personal intimacy into a tool for mutual or targeted destruction.

- **Custody and financial advantage** represent a calculated tactical manoeuvre where an individual weaponises formal legal complaints to secure an upper hand in high-stakes family law proceedings, divorce settlements, or alimony disputes. By introducing severe criminal allegations into civil or domestic registries, the accuser tries to tilt child visitation rights, property distribution, or financial support in their favour before the factual matrix is fully tested in court. This dynamic relies on the assumption that authorities will prioritise safety over standard verification during the initial stages of a domestic dispute.
- **Eliminating professional competition** manifests in toxic or hyper-competitive corporate environments where employees engage in unhealthy rivalry over promotions, exclusive privileges, managerial recognition, or project attribution. Under these conditions, false reporting against a peer or superior serves as an aggressive career-sabotage tactic designed to clear the corporate ladder or marginalise a high-performing colleague. The aim is to trigger immediate corporate investigations that suspend or sideline the target, effectively removing them from competition during crucial evaluation windows.
- **Spite against compliance** occurs when an individual who is caught red-handed, reprimanded, or disciplined for violating established company rules, professional regulations, or the law of the land decides to retaliate against the enforcing authority figure. Rather than accepting accountability for a lawful penalty or corrective reprimand, the disciplined party files a counteraccusation to discredit the dutiful staff member or supervisor. This tactic shifts the focus away from the original wrongdoing, forcing the compliance officer into a defensive position where they must clear their own name.
- **Blackmail and financial extortion** utilise the catastrophic social and reputational fallout of an impending criminal charge as a coercive instrument to force a victim into reluctantly yielding money, property, or contractual concessions against their will. This predatory practice exploits the immediate stigma attached to serious accusations, turning the justice system into an unintended vehicle for financial gain. The perpetrator counts on the victim's fear of public humiliation and professional ruin to secure a private settlement before formal charges are ever filed or investigated.
- **Misuse of affirmative safeguards** happens when individuals exploit specialized protective legal frameworks and affirmative statutes originally enacted to shield historically vulnerable or marginalized demographics. By turning these specialized

evidentiary standards into a shield for bad-faith claims during a private dispute, malicious actors seek immunity from counter-scrutiny. They rely heavily on the systemic goodwill and protective protocols designed for genuine victims to validate their own fabricated narratives, creating a shield against objective cross-examination

- **Alibi and deflection** function as a self-protective psychological defense mechanism where a person fabricates a narrative of victimization specifically to conceal their own immediate misconduct—such as infidelity, unexcused absence, or illegal behavior—from a spouse, parent, or employer. This diversionary tactic relies on immediately casting oneself as the aggrieved party to preempt investigation into one's own wrongdoings. By controlling the initial narrative through an alarming claim, they successfully redirect blame and escape accountability for their actions.
- **Regret and "relabeling"** describe a scenario where an individual willingly engages in a consensual interaction but subsequently suffers from severe cognitive dissonance, moral panic, religious guilt, or sudden social embarrassment upon reflection. To reconcile their internal discomfort or societal pressure, they retroactively redefine the consensual event as non-consensual. This psychological distortion allows the individual to preserve their self-image or standing within their community by shifting the moral burden onto the other participant.
- **Sympathy and validation-seeking** arise from underlying emotional distress, personality disorders, or deep-seated feelings of inadequacy that drive an individual to manufacture elaborate claims of victimhood to harvest immediate care, attention, and emotional support from their family and social circles. This pathological need for external affirmation supersedes the reality of the legal process. The individual finds a sense of identity or comfort in being perceived as a survivor, leveraging the protective instincts of their community.
- **Gender-based animosity** involves the direct weaponisation of legal machinery driven by irrational, generalised hatred, intense bias, or ideological prejudice directed entirely against a specific gender group. When personal bitterness intersects with systemic misandric or misogynistic views, the individual seeks to subvert legal mechanisms as a form of generalised collective punishment. The legal framework is viewed not as a tool for justice, but as a political or ideological weapon to correct historical or perceived grievances.

2. Consequences as a result of false accusations:

- **Profound psychological distress and systemic medical deterioration** strike the wrongly accused immediately, as they grapple with acute emotional shock, persistent anxiety, and relentless hyper-vigilance. The trauma of facing a fabricated, heinous allegation destabilises an individual's sense of self-worth, frequently manifesting as clinically diagnosed depression or severe post-traumatic stress disorders. Stripped of personal dignity and struggling with profound trust issues, many victims experience an overwhelming sense of isolation that correlates with elevated risks of self-harm and acute suicidal ideation.
- **Widespread public shaming and immediate social isolation** occur because communities, professional circles, and local networks rapidly adopt a presumption of guilt long before any formal investigation concludes. Out of embarrassment or fear of reputational contagion, friends, neighbours, and extended family members systematically distance themselves, leaving the accused without a foundational support system. Furthermore, because sexual misconduct allegations are highly sensationalised, targeted individuals and their households frequently endure targeted online harassment, public condemnation, and direct threats to their physical safety.
- **Immediate professional termination and long-term financial insolvency** routinely follow the initial report, as corporate entities and public institutions swiftly suspend or dismiss employees to insulate themselves from legal liability. The resulting permanent digital footprint acts as a barrier to future employment, effectively locking the individual out of their career path and rendering them unemployable within their industry. Simultaneously, mountable legal fees required to establish innocence force the accused to rapidly exhaust their life savings, liquidate personal assets, or incur crushing debt to secure capable defence counsel.
- **The fracturing of family units and generational secondary trauma** occur under the immense operational stress of mounting a legal defence, often triggering marital breakdowns, forced separations, and divorces. When these fabricated charges intersect with domestic custody battles, family courts frequently suspend or strictly restrict paternal access to protect the child during investigation, causing deep and sometimes irreversible parental alienation. This emotional damage radiates outward, inflicting profound social stigma and psychological trauma on the target's parents, siblings, and children.

- **Wrongful conviction and severe carceral penalties** represent the ultimate institutional failure when investigative protocols collapse or the defence lacks adequate legal representation. False testimonies can successfully sway judicial outcomes, leading to the wrongful imprisonment of an innocent man inside volatile correctional facilities alongside convicted sex offenders. Even following a hard-fought formal exoneration, public retractions rarely command the same visibility as the first scandalous headlines, ensuring that the structural stigma and legal aftermath burden the individual for life.

Chapter 5: Steps Taken To Redress The Grievances By Falsely Accused Men.

I. Pre-Trial Mechanisms & Boundary Defence

1. Intercepting Inception via Preliminary Enquiry

When an allegation arises out of a bitter personal impasse, such as a fractured relationship, matrimonial discord, or commercial hostility, the mechanical registration of a First Information Report (FIR) is not an automatic administrative mandate. Under **Section 173(3) of the BNSS**, an individual facing a suspect complaint can formally request the local police authorities to hold a preliminary inquiry. The police are required to finish this threshold evaluation within 14 days to determine if a *prima facie* cognizable case exists, creating a vital administrative screen to intercept groundless allegations before they formalise into an FIR.

2. Preserving Authenticated Electronic Records

To establish physical absence (alibi), confirm unambiguous mutual consent, or expose clear bad-faith motives, securing electronic trails immediately is critical. Under **Section 61 and Section 63 of the BSA**, electronic data—such as encrypted chat logs (e.g., WhatsApp), location logs (e.g., Google Maps timeline), call records, and surveillance footage—is fully admissible as valid evidence. To prevent exclusion during subsequent stages, the defence must generate and present this digital evidence alongside the mandatory statutory validation certificate required under **Section 63 of the BSA**.

3. Securing Pre-Arrest Immunity (Anticipatory Bail)

If an FIR becomes imminent or has already been opened, the individual can petition the Court of Session or the High Court for pre-arrest protection under **Section 482 of the BNSS**. This remedy covers major non-bailable offences under the BNS, such as Section 64 (Rape) or Section 69 (Sexual Intercourse on False Promise of Marriage).

- **Statutory Embargo:** Under **Section 482(4) of the BNSS**, the judiciary is strictly barred from granting anticipatory bail if the case involves the sexual assault of a child under 16 years of age (Section 65 BNS) or the gang rape of a minor under 18 years of age (Section 70(2) BNS).

4. Executing Counter-Blast Cross-FIRs

If the false allegation is used to blackmail, threaten, or extract assets, the individual can register a parallel criminal case against the complainant group. By filing a complaint under **Section 173 of the BNSS**, an independent FIR can be sought for distinct offences under the BNS, including:

- **Section 308 BNS:** Extortion
- **Section 351 BNS:** Criminal Intimidation
- **Section 61 BNS:** Criminal Conspiracy

This countermeasure compels the police machinery to review both competing narratives concurrently.

II. High Court Interventions & Custodial Protections

5. Moving for FIR Quashing

If a bare reading of the complaint reveals it is legally unsustainable, absurd, or lacks the necessary elements of an offence, the individual can approach the High Court directly. Moving a petition under **Section 528 of the BNSS** invokes the High Court's inherent power to quash the FIR and dismantle the entire criminal proceeding, bypassing a lengthy trial.

6. Securing Ad-Interim Stay Orders

Because quashing petitions take time to be adjudicated, the defence can submit an interlocutory application alongside the main petition. Under **Section 528 of the BNSS**, the High Court can issue an interim stay on the police investigation or explicitly order a restriction on "no coercive action," keeping personal liberty safe while the primary legality of the case is examined.

7. Expediting Trial Timelines

If regular bail is denied and the individual remains in judicial custody as an undertrial prisoner, the defence can file a writ petition under **Article 227 of the Constitution of India**. This petition requests the High Court to issue a time-bound mandate to the trial court to conclude the trial swiftly, ensuring long-term detention does not compromise the fundamental right to a speedy trial.

8. Enforcing the Statutory Right to Default Bail

If the individual is arrested and the police fail to file a completed final report (charge sheet) within the strict statutory window of **90 days** for major offences like rape, an indefeasible right

to bail arises under **Section 187(2) of the BNSS**. The accused must be released on default bail regardless of the severity of the primary allegations.

9. Challenging Unlawful Arrest via Habeas Corpus

If investigative agencies bypass procedural safeguards—such as executing an arrest without compliance or failing to present the arrested individual before a magistrate within 24 hours—the custody becomes unlawful. Family members can approach the High Court or the Supreme Court immediately via a **Habeas Corpus Petition** under **Article 226 or Article 32 of the Constitution** to seek an urgent release order.

III. Trial Court Defence & Dismissal Strategies

10. Filing an Application for Discharge

Once the police complete their investigation and file the final report (charge sheet), the defence can argue that the prosecution's records lack sufficient grounds to justify a trial. A formal motion for discharge can be moved under **Section 250 of the BNSS** (for Sessions trials) or **Section 262 of the BNSS** (for warrant cases), seeking a quick legal exit before charges are formally framed.

11. Finalising the Acceptance of a Police Closure Report

If the investigating officer determines that the allegation was intentionally false or completely unsupported by evidence, the police will file a closure report (often called a "B-Report") under **Section 193 of the BNSS**. When notified by the Magistrate, the defence must enter an appearance to request the formal acceptance of this closure report, officially clearing the individual's record with full judicial backing.

12. Contesting the Complainant's Protest Petition

If the complainant challenges the police closure report by filing a Protest Petition, the case is not yet resolved. The defence must appear before the Magistrate under **Section 193 of the BNSS** to present oral and written arguments showing that the state's investigation was legally sound and that the complainant's objections are groundless.

IV. Post-Exoneration Counter-Offensives & Complete Remedies

13. Demanding Immediate Trial Court Compensation

Upon a formal discharge or absolute acquittal, the individual can request the trial court to penalize the accuser directly. Under **Section 273 of the BNSS** (for cases initiated via a private complaint) or **Section 399 of the BNSS** (for cases initiated via a police report), the Magistrate can order the complainant to provide immediate monetary compensation to the falsely accused

individual of loss of time and legal expenses.

14. Launching Perjury Prosecution

If the trial record conclusively proves that the complainant gave fabricated testimony or submitted forged medical documentation under oath, the individual can file an application under **Section 379 of the BNSS**. This moves the court to hold a preliminary inquiry into perjury offences defined under **Section 229 and Section 230 of the BNS**, exposing the false accuser to criminal prosecution and a prison term of up to 7 years.

15. Prosecuting for Malicious Legal Actions

To hold the false accuser criminally liable for weaponising penal laws, a direct criminal complaint can be filed under **Section 248 of the BNS**. This provision penalises anyone who institutes criminal proceedings with intent to cause injury, knowing there is no just or lawful ground. If multiple parties assisted in the fabrication, **Section 61 of the BNS** (Criminal Conspiracy) should be added to the complaint.

16. Filing a Civil Suit for Defamation and Financial Damages

- **Civil Suit for Damages:** To recover costs related to career degradation, financial losses, and psychological trauma, a civil lawsuit can be filed in a tort court for **Malicious Prosecution**.
- **Criminal Defamation:** A separate criminal complaint can be initiated under **Section 356 of the BNS** for damage caused to social and professional reputation.

17. Invoking Institutional Workplace Sanctions (POSH Section 14)

If the false claim was filed within a corporate setting, the exonerated individual can invoke **Section 14 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**. This law requires the employer's Internal Committee (IC) to take disciplinary action—up to and including immediate termination—against the false complainant.

18. Initiating Cybercrime Prosecution

If the false accuser posted morphed images or private texts out of context on social media to damage the individual's reputation or extort compliance, an independent cybercrime FIR can be pursued under **Sections 66E and 67 of the Information Technology Act, 2000**.

19. Expunging Prejudicial Remarks from Judgments

If an acquittal judgment contains ambiguous language suggesting an escape on a "benefit of doubt" rather than clear innocence, a petition under **Section 528 of the BNSS** can be filed in the High Court. This petition requests the court to expunge those remarks to ensure clear records for passport and background checks.

20. Claiming Constitutional Damages for State Negligence

In instances of severe state complicity, bias, or arbitrary incarceration, a writ petition under **Article 21 of the Constitution** can be moved before the High Court or the **National Human Rights Commission (NHRC)** to seek financial compensation directly from the state.

Chapter 6: Supreme Court Verdicts On False Accusation Of Sexual

Assault.

1. Pramod Suryabhan Pawar v. State of Maharashtra (2019)¹¹:

A landmark Supreme Court judgment that established the definitive legal test to distinguish between a false promise of marriage (which vitiates consent under rape law) and a mere breach of promise. The case arose from a six-year consensual relationship where the parties engaged in physical intimacy and cohabitation. When the relationship eventually broke down because the man's family opposed the marriage due to caste differences, the woman filed an FIR for rape under Section 376 of the IPC. The Bombay High Court refused to dismiss the case, prompting the man to appeal to the Supreme Court.

The Supreme Court allowed the appeal and quashed the FIR, ruling that a prolonged, voluntary relationship cannot be labeled a criminal deception. Writing for the Bench, Justice D.Y. Chandrachud clarified that consent under Section 375 of the IPC involves an "active and reasoned deliberation" by a woman. To prove that her consent was vitiated by a "misconception of fact" under Section 90 of the IPC, the prosecution must satisfy a strict two-pronged test: the promise of marriage must have been a deliberate hoax at its very inception (made in bad faith with no intention to fulfill it), and that false promise must have had a direct nexus to her decision to engage in sexual intercourse.

This judgment serves as the gold standard precedent for relationship-based allegations across India. The Court firmly established that if a person genuinely intends to marry at the start but fails to do so later due to familial opposition or unforeseen circumstances, it constitutes a breach of promise rather than the offense of rape. This principle remains highly relevant today, serving as the foundational logic that courts use to interpret Section 69 of the Bharatiya Nyaya Sanhita (BNS), 2023, and to prevent the misuse of criminal machinery when consensual romantic relationships naturally collapse.

¹¹ *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 S.C.C. 608.

2. Jaspal Singh Kaural v. State of NCT of Delhi¹²:

The Supreme Court held that a consensual relationship, even if followed by a breach of a promise to marry, does not amount to rape under Section 376 of [Indian Penal Code, 1860](#), unless it is proved that the promise was false from the beginning. The appellant, Jaspal Singh Kaural, was accused of engaging in sexual relations with the complainant under a promise to marry, which allegedly led her to divorce her husband. The Sessions Court discharged him for lack of a prima facie case, under Section 227 of the [Code of Criminal Procedure, 1973](#). The Delhi High Court reversed this decision and framed charges under Sections 376 (rape) and 506 (criminal intimidation) of IPC. Kaural challenged this order. The Supreme Court set aside the High Court's decision, restoring the Sessions Court's order and terminated the criminal proceedings against Kaural. It emphasised that the complainant was fully aware of the nature of the relationship. Her continuing consensual involvement indicated that "there was never an element of force or deceit". The Court reaffirmed the distinction between a false promise made to induce consent—which may constitute rape—and a breach of promise made in good faith, which does not attract criminal liability.

3. Pradeep Kumar Kesarwani v. State of Uttar Pradesh & Another (2025)¹³

A vital landmark judgment from the Supreme Court of India that bridges the gap between substantive rape law and the procedural powers of High Courts. The case originated from a private complaint filed in 2014 by a woman alleging that the appellant had raped her under a false promise of marriage, forced an abortion, and subsequently subjected her to casteist abuses. After a Magistrate directly took cognizance and issued a summoning order for rape under Section 376 of the IPC, the appellant approached the Allahabad High Court. The High Court refused to quash the proceedings, leading to an appeal before the Apex Court.

The Supreme Court allowed the appeal and quashed the criminal proceedings, emphasizing that the complaint was an uncorroborated, heavily delayed, and frivolous attempt to retrospectively convert a failed consensual relationship into a case of criminal deceit. Delivering the judgment, Justices J.B. Pardiwala and Sandeep Mehta reiterated that while genuine victims of fraudulent intent must be protected, a mere breach of promise without mala fide intent at inception does not constitute rape. The Bench noted that forcing an accused to undergo an grueling trial when a long-term relationship simply fell through due to later circumstances represents a significant miscarriage of justice.

¹² *Jaspal Singh Kaural v. State of NCT of Delhi*, [2025] 5 S.C.R. 23.

¹³ *Pradeep Kumar Kesarwani v. State of Uttar Pradesh*, 2025 SCC OnLine SC 1947.

Crucially, the Court used this case to establish a landmark four-step test to guide High Courts in consistently exercising their inherent quashing powers under Section 482 of the CrPC (now Section 528 of the BNSS). Under this framework, a petition must be dismissed if: (1) the materials submitted by the accused are of an indubitable, sterling quality; (2) the material is powerful enough to completely overrule and discredit the factual assertions in the complaint; (3) the prosecution or complainant has failed to validly refute this evidence; and (4) continuing the trial would clearly amount to an abuse of the judicial process. This ruling provides High Courts with the exact procedural teeth needed to actively weed out meritless relationship-based rape charges at the preliminary stage.

4. Kunal Rameshbhai Kalyani v State of Gujarat (2026)¹⁴:

The Supreme Court of India's decision in *Kunal Rameshbhai Kalyani v. The State of Gujarat (2026)* stands as a foundational precedent defining the boundaries of Section 69 of the *Bharatiya Nyaya Sanhita (BNS)*, 2023. The litigation arose from a digital romance where the accused indicated his intent to marry the complainant upon their first face-to-face encounter. The two subsequently entered into a consensual intimate relationship, which included a brief period of cohabitation at a hotel. The marriage plans collapsed, however, when the accused's mother vehemently objected to the union, leading him to withdraw from the commitment. In response to the breakup, the complainant filed a First Information Report (FIR) in Vadodara, Gujarat, alleging an offense under Section 69 of the BNS, which penalizes sexual acts procured through deceptive promises of marriage. When the Gujarat High Court declined to dismiss the criminal proceedings, the accused petitioned the Apex Court. The Supreme Court accepted the appeal and quashed the FIR, establishing that a good-faith intention to marry that is later frustrated by parental resistance does not amount to a criminal act. The division bench, consisting of Justices J.B. Pardiwala and K. Vinod Chandran, observed that the statutory threshold for Section 69 of the BNS mirrors the strict legal standards developed under the former IPC framework in *Pramod Suryabhan Pawar*. Upon analyzing the complainant's initial statements, the Court observed that she had initially entered into the relationship out of mutual affection rather than making physical intimacy strictly contingent on a binding marriage agreement. Crucially, the judges underscored that because the accused withdrew explicitly due to maternal disapproval, it proved his initial matrimonial intentions were genuine rather than a fraudulent ruse to secure physical gratification. This 2026 judgment carries profound legal

¹⁴ *Kunal Rameshbhai Kalyani v. State of Gujarat*, 2026 INSC 987.

weight as one of the inaugural Apex Court rulings to clarify that Section 69 BNS is designed to punish fraudulent deception, not failed relationships. By transplanting the established "good faith at inception" doctrine into the newly enacted criminal code, the Supreme Court prevented the transition from the IPC to the BNS from eroding protections for individuals whose consensual partnerships disintegrate under family pressure. Consequently, Kunal Rameshbhai Kalyani now serves as the primary shield invoked by High Courts nationwide to summarily dismiss retaliatory or ungrounded Section 69 BNS complaints before an accused is subjected to a trial.

Chapter 7: Cases Where Women Were Convicted For False Accusation Of Sexual Assault.

1. State v. Seema Bai Singh (Dewas District Court, Madhya Pradesh, 2019)¹⁵

The Case: A 45-year-old widow filed a gang-rape complaint against the 33-year-old son of her brother-in-law. Upon full investigation and trial, the court found that the entire allegation was completely fabricated with the malicious intention of illegally acquiring family land.

The Conviction: The Court of the Second Additional Sessions Judge in Dewas convicted her under Section 195 of the IPC (fabricating false evidence to procure a conviction for an offence punishable with life imprisonment or death). She was sentenced to 10 years of rigorous imprisonment.

2. The "Mirror Sentence" Perjury Case (Bareilly, Uttar Pradesh, 2024).¹⁶

The Case: A woman filed a rape case against a man who consequently spent 4 years and 5 months in jail as an undertrial prisoner before his innocence was fully established. The court established that the woman had deliberately concocted the story to frame the man.

The Conviction: In a rare and historic judgment, the Uttar Pradesh court took an exact compensatory approach. The court ordered the woman to be jailed for the exact duration the innocent man spent behind bars (4 years and 5 months) and directed her to pay him ₹5,88,000—the exact amount of wages the man lost while wrongfully imprisoned.

¹⁵ *State of Madhya Pradesh v. Seema Bai Singh*, Case No. 182/2019, Second Additional Sessions Court, Dewas District Court.

¹⁶ *State of Uttar Pradesh v. Nisha*, Case No. 460/2019, Additional Sessions Court, Bareilly District Court.

3. Dr. Monish Raut's Defamation Case (Delhi District Court, 2025)¹⁷

The Case: A woman lodged a sexual harassment and assault FIR against her brother-in-law (a practicing doctor) and other family members. The doctor was arrested, but the family was eventually acquitted after she withdrew her allegations during cross-examination. The doctor subsequently filed a criminal defamation case against her.

The Conviction: The court convicted the woman under Sections 499 and 500 of the IPC (criminal defamation) after she admitted under cross-examination that she filed a false complaint "as instructed by police officials." The court noted that a woman cannot be allowed to keep shifting positions after destroying someone's reputation on oath.

4. State v. Rangoli Gautam (Lucknow District Court, 2025)¹⁸

The Case: The complainant, Rangoli Gautam, filed an FIR accusing a man named Kaushal Kumar Aggarwal of rape and violations under the SC/ST (Prevention of Atrocities) Act. During the trial, irrefutable evidence emerged that the accused was physically present in Canada during the time the alleged incident supposedly took place in India.

The Conviction: The Lucknow Court convicted the woman under Sections 182 (false information), 193 (false evidence), and 211 (false charge with intent to injure) of the IPC. She was sentenced to 7 years of rigorous imprisonment and fined ₹52,000. The court noted that such false claims weaken the credibility of special legislations meant to protect genuine victims.

5. The Matrimonial Website Perjury Mandate (Delhi Court, 2025)¹⁹

The Case: A woman met a man through a matrimonial website, later filed a rape complaint against him, and alleged the misuse of private photographs. The Additional Sessions Judge found that the woman had entrapped the man in a pre-planned honeytrap strictly for financial extortion.

The Conviction Order: While acquitting the man, the court ruled that simple acquittal doesn't serve the complete ends of justice when an innocent person's dignity is destroyed. The judge directed the immediate filing of a perjury complaint under Section 379 of the Bharatiya Nagarik

¹⁷ *Dr. Monish Raut v. Ms. Jayshree*, Criminal Complaint No. 49120/2016, Delhi District Court (Dwarka) (Aug. 26, 2025).

¹⁸ *State of Uttar Pradesh v. Rangoli Gautam*, Sessions Trial No. 1412/2022, Special SC/ST Act Court, Lucknow District Court (2025).

¹⁹ *State v. Complainant*, Court of Additional Sessions Judge Anuj Agrawal, Tis Hazari Courts, Delhi (July 2, 2025).

Suraksha Sanhita (BNSS) against the woman for lying under oath.

Chapter 8: Conclusion

When women take advantage of these special protective laws, only for them to get caught for inflicting pain on innocent men, it causes shockwaves and polarisation across the society prompting the lingering elements of patriarchy and misogyny already existing to be once again validated and vindicated. The women have made a mockery and disgrace of the hard-won laws thus weakening or diluting the core aims of these laws solely because of false accusation they have made against men. This makes the society to be doubtful about the genuine women survivors, wondering whether their statements and testimonies are authenticated or fabricated. Already there are traumatised women still not brave enough to come forward and narrate their ordeals despite having the backings of the laws because they are scared of what people will say or think about them as well as the threat and danger they received from their assailants. Now when they see the news of false claims and charges being exposed publicly and media proudly supporting and fiercely defending men regardless of their thoughts and actions, they are not only disheartened but they are also discouraged so they have no choice but to suffer in silence and move on for they are forced to pretend that the assault never happened in the first place.

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