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False Allegations in Women Protection Centric Crimes and Recent Judicial Responses

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ABSTRACT

This research scrutinizes the misuse of legal provisions by women in cases involving crimes against their partners/husbands, focusing on Section 498-A of the Indian Penal Code, sexual harassment allegations, and the Domestic Violence Act. Through analysis of recent cases such as "Rajan vs. The State of Madhya Pradesh," "Mukesh Bansal vs State of UP," and "Vikram Ruhel vs Delhi Police," the complexities surrounding allegations of cruelty, sexual harassment, and domestic violence are examined.

The study reveals the challenges in navigating instances of false accusations and their profound ramifications on the accused, including legal, emotional, and societal consequences. By delving into judicial responses and guidelines, the research underscores the importance of a balanced legal approach to safeguard the rights of both genuine victims and the accused.

Keywords: *legal provisions, false allegations, judicial responses, gender-based crimes, legal ramifications.*

I. INTRODUCTION

The misuse of legal provisions, particularly in cases involving crimes committed against women, has become a pressing concern. This paper critically examines the misuse of legal mechanisms available to women that are also simultaneously empowering them to initiate legal actions against their partners/husbands, including accusations of cruelty, rape, sexual harassment, and domestic violence.

Empirical insights from the National Crime Records Bureau (NCRB) Crime reports note the significance of this issue. According to the NCRB data, cases under the Protection of Women from Domestic Violence Act and the Dowry Prohibition Act have not been immune to false accusations. In 2021, seven out of 855 cases filed under the Protection of Women from Domestic Violence Act were identified as false. Similarly, under the Dowry Prohibition Act,

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418 false cases emerged out of 21,287 reported cases.

According to the figures from National Crime Records Bureau's (NCRB) Crime in India Report 2020, 8% of all cases under investigation for rape were found to be 'false.' Other categories under which cases are logged are 'cases ended as final report (F.R.) non-cognizable,' 'cases ended as a mistake of fact or law or of civil dispute,' 'cases true but insufficient evidence or untraced or no clue,' and 'cases abated during investigation .' This research aims to provide a comprehensive understanding of the problem and propose effective remedies within the sphere of contemporary legal jurisprudence.

(A) Literature Review

Saryal Sutapa's 2014 article, "*Women's Rights in India: Problems and Prospects*," published in the *International Research Journal of Social Sciences*², comprehensively explores the challenges and opportunities concerning women's rights in India. It addresses issues such as gender inequality, legal frameworks, violence against women, and societal attitudes. The article acknowledges the persistence of gender disparities in education, employment, and political representation and highlights the importance of laws protecting women's rights. While it discusses the prevalence of violence against women and cultural factors contributing to it, the article helped in throwing much-needed insight into the circumstances that led to the need for women's protection laws to understand the other side of the coin as it serves this research paper.

"*Changing Concepts of Rights and Justice in South Asia*," authored by *Michael R. Anderson and Sumit Guha* and published in 2000³, offers a profound exploration of evolving notions of rights and justice in South Asia. This comprehensive work critically examines the socio-cultural, historical, and legal aspects of justice systems in the region, shedding light on the complexities surrounding issues of gender, justice, and rights. Particularly relevant to the discussion on false allegations in crimes by women, the book delves into how these evolving concepts of rights and justice have impacted the experiences of both men and women within the legal framework. It provides valuable insights into the historical and cultural factors that may contribute to the dynamics of false allegations and the broader implications for gender justice in South Asia.

² Saryal, Sutapa. 'Women's Rights in India: Problems and Prospects' (2014) 3(7) *International Research Journal of Social Sciences* 49-53. Available at: <www.isca.in>, <www.isca.me>.

³ Anderson, M. R. and Guha, S. (eds), *Changing Concepts of Rights and Justice in South Asia* (Oxford University Press, 2000)

(B) Scope & Objectives:

The objectives of this research paper are:

- a) To determine the extent of misuse of legal provisions by women in filing cases against their partners/husbands.
- b) To analyze the consequences of false allegations on the accused, including legal, emotional, and societal impact.
- c) To suggest potential legal reforms and recommendations aimed at curbing the misuse of legal provisions while safeguarding the rights of genuine victims.

(C) Research Problem:

The misuse of legal provisions by women to file cases against their partners/husbands for allegations such as cruelty, rape, sexual harassment, and domestic violence is a significant concern. This issue burdens the legal system, leading to overburdened courts and resources. False accusations can devastate the lives of the accused, contributing to wrongful arrests and damaged reputations. Societally, it can perpetuate stereotypes and hinder genuine cases of abuse. Addressing this problem requires a new approach that safeguards the rights of both genuine victims and the accused, possibly through legislative reforms.

(D) Research Question:

The research question of this paper is: *"In a legal context where women possess a versatile toolkit for filing cases against their partners/husbands, such as cruelty, sexual harassment, and domestic violence, how does the misuse of these tools impact the rising cases of false allegations and its implications for the legal system's efficiency and the accused's rights?"*

(E) Research Methodology:

The research methodology used in this paper is *doctrinal*. Resources such as Books, Journal Articles, Relevant Studies, Case Summaries, and Case Comments have been used to draft this paper.

II. EVOLUTION OF LEGISLATION ENACTED FOR WOMEN PROTECTION

India, with its rich cultural heritage, has witnessed a transformative journey in women's rights. Historically supported social prejudices and discriminatory practices against women necessitated the evolution of a robust legislative framework to safeguard their rights and ensure

their protection.⁴

(A) Historical Abolition: Sati Prevention Act and Legal Precedence:

The 19th century marked a significant turning point with the enactment of the **Sati Prevention Act in 1829**. This Act aimed to abolish the gruesome practice of sati, where widows were forced/expected to self-immolate on their husband's funeral pyres. The Act recognized the value of women's lives and set a precedent for future laws geared towards their protection.⁵

(B) Dowry Death:

"Dowry," as defined under Section 2 of the **Dowry Prohibition Act, 1961**, means any property or valuable security given or agreed to be given directly or indirectly by one party to the other at or before or at any time after marriage. Demand for cash, gold, cars, or any other property type is dowry. Giving, taking, demanding, or even advertising for dowry is an offence.

Section 174 of the Code of Criminal Procedure, 1973, is amended to secure medical examination in case of suicide or death of a woman within seven years of her marriage.

Section 113-A has been introduced in the Evidence Act 1872. It states that if the wife commits suicide within seven years of her marriage, it will be presumed that she had been subjected to cruelty by her husband and his relatives as per Sec.498- A, I.P.C.

(C) Countering Gender Bias: Pre-Natal Diagnostic Techniques Act and Legal Safeguards:

In the modern era, the **Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act of 1994** was introduced to counter the alarming rise of female feticide. This legislation addressed the misuse of technology for sex-selective abortions, thereby putting back the focus on the importance of the girl child and rectifying the skewed gender ratio prevalent in certain parts of the country. This law, in conjunction with the case of **Centre for Enquiry into Health and Allied Themes (CEHAT) v. Union of India**⁶⁷, highlighted the necessity of stringent regulations against prenatal sex determination, safeguarding the lives of the unborn girl child.

The Medical Termination Of Pregnancy Act of 1971 provides for the termination of certain pregnancies by registered medical practitioners and matters connected in addition to that or

⁴ Kaufman, Eileen R., 'Women and Law: A Comparative Analysis of the United States and Indian Supreme Courts' Equality Jurisprudence' (2006) Georgia Journal of International and Comparative Law, Vol. 34, No. 3, Touro Law Center Legal Studies Research Paper Series. Available at SSRN: <https://ssrn.com/abstract=2348396>.

⁵ K., Oviya. 'Evolution of Women Related Laws in India' (2021) 3 Indian J.L. & Legal Rsch. 1.

⁶ In this public interest litigation, an NGO that works on health issues challenged the government's failure to adequately address the issue of anti-girl child sex selection and the enforcement of the laws prohibiting prenatal sex identification. The Court ordered the government to respond with what it planned to do to address the problem.

⁷ (2003) 8 SCC 412

incidental thereto.

(D) Post-Delhi Gang Rape Legislation: Criminal Law (Amendment) Act and Judicial Imperatives:

2013 witnessed a landmark moment with the passage of the **Criminal Law (Amendment) Act**. This legislation was a direct response to the **heinous Delhi gang rape incident**, strengthening laws related to sexual offenses. Its comprehensive approach **broadened the definition of sexual crimes** and introduced stricter punishments, reflecting the government's commitment to creating a safer environment for women. The *Lalita Kumari v. Government of U.P. & Others*⁸ case emphasized the mandatory registration of F.I.R.s in cognizable offenses, including cases of sexual harassment and violence against women, ensuring prompt police action and a strong legal basis for the Criminal Law (Amendment) Act of 2013.⁹

Section 326 of the Indian Penal Code was amended on 2 April 2013 with the passing of the Criminal Laws (Amendment) Act, 2013. The amendment resulted in the insertion of **Sections 326-A and 326-B** for explicitly dealing with **acid attack violence**.

(E) Workplace Safety: Sexual Harassment of Women at Workplace Act:

Recognizing the significance of a secure workplace, the **Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act**, also enacted in 2013, marked a paradigm shift. This Act mandated the establishment of Internal Complaints Committees in organizations, fostering gender-sensitive work environments and ensuring that women could pursue their careers without fear of harassment. The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, enacted in 2013, (POSH Act) was preceded by the *Vishakha and Ors. v. State of Rajasthan and Ors*¹⁰ case. The Supreme Court's guidelines in this case laid the foundation for legislation, emphasizing the employer's responsibility to provide a safe working environment.¹¹

(F) Protecting Muslim Women: Triple Talaq Bill:

The year 2019 saw a further stride towards gender justice with the introduction of the **Triple Talaq Bill**. This legislation criminalized the instant divorce practice prevalent in specific

⁸ W.P.(Crl) No; 68/2008

⁹Taxguru, 'Criminal Law (Amendment) Bill 2013 Related To Crime Against Women' (Taxguru) <http://taxguru.in/corporate-law/download-criminal-law-amendment-bill-2013-related-crime-women.html#sthash.icuankj1.dpuf>

¹⁰ A.I.R. 1997 SC 3011

¹¹ 'The Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013' (Together VCAN, 17 August 2015) <http://togethervcan.in/?article=the-sexual-harassment-of-women-at-workplace-prevention-prohibition-and-redressal-act-2013>

Muslim communities, providing legal protection to Muslim women against arbitrary divorce and economic hardship. The *Shayara Bano v. Union of India case influenced this legislation*¹², where the Supreme Court declared instant triple talaq unconstitutional, asserting the need for legal protection of Muslim women.

(G)Shielding Women Against Domestic Abuse: Protection of Women from Domestic Violence Act:

Amidst these pivotal developments, **the Protection of Women from Domestic Violence Act, 2005**, (shortly termed as the DV Act) stands as a cornerstone of women's protection in India. This Act comprehensively addresses various forms of domestic abuse, recognizing it as a violation of a woman's fundamental human rights. The DV Act provides immediate and effective protection to victims, emphasizing the issuance of protection orders, residence orders, and monetary relief orders. These provisions ensure access to safe housing, financial support, and legal protection, empowering women to break free from abusive relationships and lead lives of dignity.

A series of judgments, including *Indra Sarma v. V.K.V. Sarma*¹³, emphasized the Act's importance. These judgments reiterated the Act's significance in providing immediate relief to victims, ensuring access to safe housing, financial support, and legal protection.

In the case of *Arnesh Kumar v. State of Bihar*¹⁴, the Supreme Court laid down guidelines¹⁵ to prevent the automatic arrest of individuals in dowry harassment cases, ensuring a balanced approach in enforcing laws related to domestic violence. The issue before the court was whether terminating a relationship like that by failing to take care of the woman who is a part of it qualifies as domestic violence under the Act.

(H)Honour killing:

¹² (2017) 9 S.C.C. 1

¹³ A.I.R. 2014 SC 309

¹⁴ S.L.P. (C.R.L.) No.9127 of 201

¹⁵ The Court provided the following guidelines as Arnesh Kumar Guidelines:

- a. Police cannot arrest someone under section 498-A of the Indian Penal Code automatically.
- b. Police officers must follow a checklist based on Section 41 of the Code of Criminal Procedure.
- c. If arrested, police must present evidence and reasons for detention when producing the accused before the magistrate.
- d. Magistrates can authorize detention only if they are satisfied with the reasons provided by the police officer.
- e. The decision not to arrest must be communicated to the magistrate within two weeks, with a possible extension by the Superintendent of Police.
- f. The accused must be served a Notice of Appearance within two weeks, extendable with reasons by the Superintendent of Police.
- g. Failure to comply may result in contempt of court charges for the police officer. Magistrates not recording reasons could face departmental proceedings.

Honor killing or shame killing is the **homicide of a member of a family by other members** due to the perpetrators' belief that the victim has brought shame or dishonor upon the family or has violated the principles of a community or a religion, usually for reasons such as refusing to enter an arranged marriage, being in a relationship that is disapproved by their family, having sex outside marriage, becoming the victim of rape, dressing in ways which are deemed inappropriate, engaging in non-heterosexual relations or renouncing a faith.¹⁶

In *Lata Singh v. State of Uttar Pradesh*¹⁷ (2006), the Supreme Court opined that "There is nothing honorable in honor killings, and they are wholly illegal."

The Hon'ble Supreme Court, in the case of *Shakti Vahini v. Union of India*¹⁸ (2018), ruled that it was illegal for so-called khap panchayats, or assemblies of village elders, to interfere in marriage between two consenting adults, and to summon and punish them.

III. CASE STUDIES

(A) Cruelty

Section 498-A of the Indian Penal Code aims to curb cruelty within matrimonial relationships. This section, however, has been **subject to controversy**, often criticized for its potential misuse. This subchapter delves into Section 498-A, examining it through the lens of three recent cases: "Rajan vs. The State of Madhya Pradesh," "Mukesh Bansal vs State of UP," and "Vikram Ruhail vs Delhi Police." Through these cases, we unravel the complexities surrounding allegations of cruelty within marriages, shedding light on legal challenges, the evolving jurisprudence, and the delicate balance between protecting victims and preventing misuse of the law.

a. RAJAN VS THE STATE OF MADHYA PRADESH¹⁹

The case under analysis involves a matrimonial dispute where the wife filed a complaint under Section 498-A I.P.C. against her husband and his family members, alleging harassment and dowry demands. However, **upon closer examination, several inconsistencies and lack of**

¹⁶ Hussain, M. S. 'Crimes of Honour: Formal and Informal Adjudicatory Systems in India and Pakistan to Enforce and Contest Honour Crimes' (2022) (Doctoral dissertation, University of Birmingham).

¹⁷ (2006) 5 SCC 475; 2006 (56) ACC 234. Lata Singh, a 27-year-old woman, married Brahma Nand Gupta against her family's wishes and faced severe harassment from her brothers and relatives. Despite falsely alleging her mental instability, she protested against the police's final report, which was proven false upon medical examination. As the case progressed through various courts, Lata Singh filed a writ petition under Article 32 of the Constitution to quash the ongoing trials, seeking justice and relief from the persistent harassment she and her husband faced.

¹⁸ the petitioners also known as the Shakti Vahini organization had the duty of performing a study on the killings in the Haryana, Punjab, and Western UP regions. They came up with a shocking statistical report that there has been a rampant rise in honor killing cases in these particular areas. The petition was filed under Article 32 of the Indian Constitution.

¹⁹ MISC. CRIMINAL CASE No. 35596 of 2018

evidence were found in the complaint.²⁰

The court observed that the allegations made by the complainant needed to be scrutinized, considering the possibility of false accusations. It emphasized the importance of finding the truth and punishing the guilty while protecting the innocent. The court acknowledged the tendency to implicate the husband and his immediate relatives in such cases, even after the conclusion of the criminal trial.

The court also highlighted the potential misuse of **Section 498-A²¹ I.P.C.** and the need for caution in dealing with such complaints. It emphasized that **protracted criminal trials often lead to bitterness and acrimony, affecting the social fabric of society.** The court urged the legal fraternity to ensure that one complaint does not lead to multiple cases and to consider the pragmatic realities of matrimonial disputes.

The court also quoted the case of *Preeti Gupta v. State of Jharkhand*²² supporting said opinion. The court even directed that High Court should exercise the power conferred under **Section 482 of the Cr.P.C²³**. to protect the relatives of the husband in matrimonial dispute in order to do the complete justice and prevent misuse of the process of law.

An excerpt from the judgment is the most relevant to conclude:

Para 11:

"The cases are lodged under Section 498-A of the Penal Code, 1860, only to settle the matrimonial dispute. Sometimes, the F.I.R. wife lodges the F.I.R. immediately after receipt of the summons from the Family courts. Nowadays, there is a package of 5 cases against the husband and family members in family court and the criminal court under I.P.C., the Hindu Marriage Act, and the Protection of Women from Domestic Violence Act, 2005."

b. MUKESH BANSAL VS STATE OF UP²⁴

In the case of *Mukesh Bansal v. State of U.P.*, the wife alleged several instances of cruelty and harassment by her husband and his family members. Her accusations included demands for

²⁰ There was a one-year delay in lodging the FIR and there was no evidence supporting her claim except her testimony that they demanded Rs 10 Lakh and a car from her and that she was thrown out of her matrimonial house.

²¹ **IPC S. 498 A Husband or relative of husband of a woman subjecting her to cruelty**

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

²² (2010) 7 SCC 667

²³ **Section 482** in The Code of Criminal Procedure, 1973- **Saving of inherent powers of High Court.**

Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

²⁴ CRIMINAL REVISION No. 1126 of 2022

dowry, unwanted sexual advances by her father-in-law and brother-in-law, physical and mental harassment, coerced abortion, and non-consensual sexual relations by her husband. These allegations were the basis of her complaint, leading to legal proceedings.

The court, in response to these allegations, expressed concern about the growing trend of exaggerated and sweeping accusations²⁵ in matrimonial cases, specifically referencing Section 498A of the Indian Penal Code, which deals with cruelty within marriages. The court observed that such misuse of the law was having a **detrimental effect on the institution of marriage**.²⁶

Para 33 notes the judge's comment in this case –

"It is a question of a common observation that every matrimonial case is being exaggerated manifold with all the pungent and castic allegations of dowry-related atrocities involving the husband and all family members. This rampant practice nowadays has adversely affected our social fiber, especially in northern India."

In this case, the Hon'ble Court gave a very important guideline termed the '**Cooling Period**', keeping in view the growing tendency in the masses to nail the husband and all family members by general and sweeping allegations.

The guidelines from this case are as follows:

- **"Cooling Period"**: A two-month waiting period after filing a complaint before any arrest or coercive action can be taken.
- **Referral to Family Welfare Committee (F.W.C.)**: Complaints are immediately sent to an F.W.C. in each district.
- **F.W.C. Composition**: F.W.C. comprises three members, including a young mediator or advocate, a respected social worker, a retired judicial officer, and educated wives of senior officials.
- **F.W.C. Procedure**: The F.W.C. interacts with the involved parties and attempts to resolve issues within two months.
- **Investigations**: Dynamic Investigating Officers with specialized training handle investigations transparently and sincerely.

²⁵ Mukesh Bansal and his wife are residing separately since 30.04.2017 and they have got no occasion to demand additional dowry. Moreover, at some places, there is demand of Rs.20 lacs and at some place, it has been swelled to Rs.50 lacs

²⁶ 'Recent Allahabad High Court Judgement Represents Everything That Is Wrong with Adjudication of Cruelty Cases in India' (Vidhi Centre for Legal Policy Blog, <https://vidhilegalpolicy.in/blog/recent-allahabad-high-court-judgement-represents-everything-that-is-wrong-with-adjudication-of-cruelty-cases-in-india/>).

- **Settlement Oversight:** Settlements reached are overseen by District & Sessions Judges or nominated senior judicial officers.
- **No Arrest During Cooling-Period:** No arrest or coercive action is permitted against the accused parties during the two-month Cooling-Period.

c. VIKRAM RUHAL VS DELHI POLICE

The petitioner applied for the position of Sub Inspector in Delhi Police and was **provisionally selected pending verification**. An **F.I.R. was filed against the petitioner and his family members** during the verification process. The petitioner disclosed the F.I.R. during verification, leading to a **delay in his appointment**. The petitioner challenged the postponement of his appointment due to the pending F.I.R.

The court observed that **mere naming in an F.I.R. only hinders public appointments** if involvement is proven after investigation, especially in matrimonial cases. Candidates must truthfully disclose past criminal cases, but employers have the right to assess fitness for the job. **Authorities should consider the nature of the offense, circumstances, and the impact of non-disclosure on suitability**. The case involved a family dispute, and the petitioner **was falsely accused at a young age**. Delaying appointments indefinitely based solely on F.I.R. naming is unjust, especially when investigations favor the candidate. The court highlighted the misuse of laws where all family members are implicated in matrimonial disputes but acknowledged the law's essential purpose.

The court set aside previous orders and directed the authorities to hire the petitioner for the specified position within four weeks. The judgment serves as a beacon of hope for individuals falsely accused of gender-biased crimes, ensuring that **baseless allegations do not unduly impact their careers and opportunities**.

(B) Sexual Harassment

The case of *Dr. Karunakar Patra v. State and Ors.* presents a stark illustration of the complexities surrounding sexual harassment cases in India. Situated within the context of the Protection of Women from Sexual Harassment at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, this case not only exposes the misuse of legal mechanisms but also sheds light on the broader issue of women's empowerment, showcasing how false accusations can impede genuine efforts toward gender equality. Examining this case illuminates the challenges in navigating instances of sexual harassment, especially concerning the intersection of legal frameworks, societal biases, and the misuse of laws intended to protect vulnerable individuals.

a. DR. KARUNAKAR PATRA VS STATE & ORS²⁷

The petitioner, an Assistant Professor at the University of Delhi, **faced a series of distressing events involving his neighbor, Mrs. Meena Kumar** (Respondent No.2), and her family. In December 2016, while the petitioner was away, Respondent No.2 demolished the cemented water tank constructed for his flat, rendering it unusable. Despite assurances to reconstruct it, she failed to do so, forcing the petitioner to install a plastic water tank at his own expense.

Adding to the distress, the petitioner's wife, suffering from multiple ailments, faced severe health risks due to blocked ventilation caused by Respondent No.2's illegal constructions. The petitioner's numerous complaints to the Delhi Development Authority (D.D.A.) and the police yielded no action, allegedly due to the influence of Respondent No.2's daughter-in-law, a Delhi Police Constable.

Respondent No.2's son, Jatin, further harassed the petitioner's wife, leading to police involvement. Despite her complaints, no F.I.R. was registered initially. When she filed a civil suit seeking demolition of the illegal construction, tensions escalated. **The petitioner was physically attacked, and a non-cognizable report was filed**, yet no F.I.R. was registered. Frustrated by the petitioner's legal actions, Respondent No.2, colluding with the police, lodged a false F.I.R. against the petitioner, **pressuring him to compromise and even demanding a bribe** of Rs. 5,00,000 to settle the matter.

The Delhi High Court, upon scrutiny, quashed the F.I.R., noting its lack of substance and detailed information. The court emphasized that the **F.I.R. appeared to be a retaliatory tactic aimed at forcing the petitioner and his wife to withdraw their complaints against the neighbors**. The judgment highlighted how such **hasty and false accusations undermine genuine cases of sexual harassment and hinder the progress of women's empowerment efforts**. This case serves as an example of the challenges faced in addressing false allegations within the context of gender-based crimes.²⁸

(C) Domestic Violence Act

In the context of domestic violence legal proceedings, the case of *Dr. Karunakar Patra v. State and Ors.* presents a significant study. This case delves into the complexities of the Domestic Violence Act, highlighting the **challenges in distinguishing genuine claims from false accusations**. Initially, the petitioner secured a favorable ex parte order on 26.02.2019.

²⁷ W.P. (CRL.) 502/202

²⁸ Goldar, B. (2022). False Accusation of Sexual Harassment Sets Back Women Empowerment: Delhi High Court. *Prime Legal Blog*, Available at: <https://primelegal.in/2022/01/28/false-accusation-of-sexual-harassment-sets-back-women-empowerment-delhi-high-court/>

Subsequent legal actions, including appeals, led to the Hon'ble Supreme Court's dismissal of the petitioner's Special Leave Petition (S.L.P.) on 12.11.2021, affirming earlier court rulings.

In response to these developments, the petitioner filed a withdrawal application, attempting to evade the consequences of the court's decisions. This case is a pertinent example of the intricate legal terrain surrounding domestic violence cases. It emphasizes the **need for careful evaluation** to ensure justice prevails amidst the complexities of gender-based crimes and allegations.

a. SHAMSHADA AKHTER VS AJAZ PARVAIZ SHAH²⁹

In the case of domestic violence involving Mr. Aijaz Parvaiz Shah (the respondent) and Mrs. Shamshada Akhter (the petitioner), a stark example of misuse of legal avenues emerged. The petitioner filed a complaint under **Section 12 of the Domestic Violence Act** on 26 February 2019, alleging domestic violence by the respondent. However, the proceedings took a troubling turn as the **petitioner's actions seemingly intended to strip the respondent of his rightful residence**. The petitioner's attempt to withdraw the petition was seen as a ploy to maintain the unjust dispossession of the respondent from his own house.

The court intervened, issuing orders on 23 March 2019, restraining the respondent from entering the shared household. The petitioner misused this order, evicting the respondent and claiming sole possession of the residence. Astonishingly, **this domestic dispute escalated to the Hon'ble Supreme Court of India**, reflecting a disturbing trend of exaggerated claims leading to prolonged legal battles.

The court, **recognizing the abuse of legal processes, allowed the petitioner to withdraw the case** but imposed a **substantial cost of Rs.10 Lakhs on her**: this decision aimed to deter frivolous litigations, a significant concern in cases related to gender-biased crimes. The court emphasized that the **Domestic Violence Act exists to protect genuine victims, not to facilitate harassment or unjust dispossession**.

Para 10 of the judgment emotes what has been stated previously-

"It is quite obvious that the object of the Protection of Women (from Domestic Violence) Act is to give protection to women from violence which takes place when they live in such domestic relations. This is to protect legitimate and genuine cases where the aggrieved person does not indulge in acts that defeat the purpose and object of the legislation. Domestic Violence Act has not been enacted to cause harassment to the other spouse or to further aggravate the

²⁹ SLP (Crl.) No(s). 8415/2021

matrimonial discord to the extent of throwing the respondent out of his own house. This legislation cannot be allowed to be used in a manner that spoils the lives of couples living peacefully. An act that is disproportionate to the level of protection can also be counterproductive. Instead of giving protection to legitimate cases of domestic violence, it may have the potential to destroy marital institutions. Therefore, it is important to sift and weigh cases to preserve the efficacy of the Domestic Violence Act for legitimate and genuine cases.”

This case exemplifies one of the recent judicial responses to false allegations in gender-biased crimes. The judiciary, while upholding the Act's integrity, seeks to prevent its misuse. By imposing a hefty penalty, the court conveys that misusing legal mechanisms for personal vendettas or financial gains will not be tolerated.

IV. ANALYSIS

The ramifications of false allegations within the legal framework are profound and multifaceted. They not only strain the judicial system but also inflict severe **personal, emotional, and societal consequences** on the accused individuals. False accusations can lead to wrongful arrests, tarnished reputations, financial strain due to legal fees, and emotional trauma. The cases provided, particularly "Dr. Karunakar Patra v. State and Ors." and "Shamshada Akhter vs. Ajaz Parvaiz Shah," exemplify these consequences. In the former, attempts to manipulate legal mechanisms led to a substantial penalty imposed on the petitioner, highlighting the financial repercussions of false claims. In the latter, the court's intervention emphasized that the misuse of the Domestic Violence Act not only disrupts lives but also erodes the foundational fabric of marital relationships.

The consequences of false allegations weigh heavily on the partners and husbands accused of various crimes. Beyond the **immediate legal repercussions, the emotional toll** is often devastating. Falsely accused individuals experience profound stress, anxiety, and emotional trauma, straining relationships and leading to psychological distress. **Careers and reputations are marred**, affecting financial stability and social standing. In cases like "Dr. Karunakar Patra v. State and Ors.," where false accusations led to significant legal battles, the financial strain and mental anguish on the accused are evident.

Additionally, societal prejudice and stigma further exacerbate their plight, leading to isolation and strained familial relationships. Such cases not only undermine trust within relationships but also **erode faith in the justice system**, leaving lasting scars on the lives of the accused partners and husbands. The collateral damage inflicted by false allegations highlights the urgent need for a balanced legal approach that safeguards the rights and dignity of all parties involved,

ensuring justice and fairness in every case.

Examining the **case studies**, mainly "Dr. Karunakar Patra v. State and Ors." and "Shamshada Akhter vs Ajaz Parvaiz Shah," offers **profound insights into the misuse of legal provisions**.

In "Dr. Karunakar Patra v. State and Ors.," the court's emphasis on the petitioner's manipulative withdrawal attempts and the subsequent imposition of a substantial penalty shed light on the deliberate misuse of the Domestic Violence Act. Judges, in their remarks, highlighted the Act's intention to protect genuine victims, not to facilitate harassment or dispossession.

Similarly, in "Shamshada Akhter vs Ajaz Parvaiz Shah," the court's intervention was pivotal. Judges noted the abuse of legal processes, allowing the petitioner to withdraw the case but imposing a significant cost. The court's statement, "Domestic Violence Act has not been enacted to cause harassment but to protect legitimate cases," encapsulates the core issue. These judicial comments underline the necessity of vigilant scrutiny to preserve the efficacy of women's protection laws.

The **comments made by the judges** in these cases hold immense significance. They reflect the courts' awareness of the delicate balance between empowering genuine victims and preventing the misuse of legal provisions. Judges, through their remarks, emphasized the need for courts to be discerning, ensuring that the legal mechanisms are not weaponized for personal vendettas.

V. CONCLUSION & RECOMMENDATIONS

In conclusion, this paper delves into a critical issue – the misuse of legal provisions by women, particularly in cases involving crimes against partners or husbands. Through thorough analysis of case studies and existing literature, it is evident that false allegations can have severe consequences, not only on the accused individuals but also on the legal system and society.

The cases discussed illustrate the complexities of gender-based crimes, emphasizing the need for a balanced approach that protects the rights of both genuine victims and those wrongly accused. The research highlights the importance of fair legal processes, timely interventions, and sensitized law enforcement. As we move forward, addressing this challenge requires thoughtful reforms that ensure justice while preventing misuse of legal mechanisms.

(A) Preliminary Inquiry:

- **Mandatory Inquiry:** Before making an arrest based on a complaint, law enforcement authorities should be required to conduct a special mandatory preliminary inquiry. During this phase, the police would assess the credibility and seriousness of the allegations.

- **Time Limit:** Establish a strict time limit (e.g., 72 hours) within which this inquiry must be completed. This ensures a prompt response while preventing unnecessary delays in the legal process.

(B) Stricter Penalties for False Allegations:

- **Specific Amendment:** Introduce a new provision in relevant laws (like the Domestic Violence Act, Section 498-A I.P.C., POSH Act, etc) **specifying penalties** for filing false complaints. These penalties could include fines, community service, or imprisonment, depending on the severity of the false accusations.
- **Reference from Case Studies:** Mukesh Bansal vs State of UP introduced the “Cooling-Period” guideline, which can be formally incorporated into legislation. During this period, if an accusation is proven false, the accuser should face penalties.

(C) Criteria for Arrest:

- **Approval from Senior Officer:** In cases where immediate arrest seems necessary, the decision should require approval from a senior police officer, ensuring a higher level of scrutiny before taking such a drastic step.
- The guidelines provided in the Arnesh Kumar case must be strictly followed, and failure to do so must result in either imprisonment or fine on such police officer or authority.

(D) Restitution and Compensation:

- **Specific Amendment:** Implement a system where individuals proven to have made false allegations must **compensate the accused for legal fees, lost income, and emotional distress**. Shamshada Akhter vs Aijaz Parvaiz Shah set a precedent by imposing substantial costs on the petitioner, indicating the need for restitution.

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