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Judicial Approach to False Complaints under The POCSO Act 2012: An Analysis of Recent Indian Case Laws

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ABSTRACT

*The Protection of Children from Sexual Offences (POCSO) Act, 2012, prescribes stringent measures like special courts (Section 28) and presumptions of guilt to protect adolescents under the age of 18 from sexual abuse. However, Section 22 punishes false accusations by non-children with up to six months imprisonment or fine, granting immunity to the minors while targeting manipulative adults. This doctrinal study evaluates more than 25 published cases from 2020 to 2025, reflecting judicial trends to discover untruth by retractions, forensic evidence, and motives such as family vendetta or political reasons. Landmark cases include the order by the Calcutta High Court in 2024, directing Suo Moto inquiries against a mother-daughter duo forced by a political vendetta, in which the "victim" herself confessed to having attained majority and being married; and the Madras High Court in 2025, *Sahirsha @MS Sha v. State*, flagging "growing misuse," directing enforcement and investigation under Section 22 in addition to obscene message forensics that linked the accused to the complainant. Interventions by the Supreme Court restore the balance, setting aside lenient High Courts. Findings demonstrate 70% quashing at CrPC Section 482 and 50% invocation of Section 22 post-acquittal, and family issues remain the most dominant cause at 45%. Discussion underscores deterrence against "legal terrorism" with the retention of protection for children, limitations in the case of delayed investigations, and amendments so required to include age verification prior to FIR and compensation in cases of acquitted accused. This report recommends NCRB*

monitoring and judicial standards to preserve the integrity of the Act.

KEYWORDS

*POCSO Act, 2012, Judicial Misuse and Safeguards,
Quashing of Proceedings (Cr.P.C. Section 482),
Forensic and Evidentiary Analysis, False Implication /
Legal Terrorism*

INTRODUCTION

The Protection of Children from Sexual Offences Act, 2012, constitutes a watershed in India's legal response to growing incidences of child sexual abuse and exploitation. The said legislation was enacted after the 2012 Nirbhaya protests and the Global Report on Child Abuse by the NCRB, and thus, it integrated all prior fragmented provisions strewn throughout the IPC into a child-centric, gender-neutral legislation. The Act criminalizes a broad range of acts-from penetrative sexual assault (Section 3) and aggravated assault (Section 5) to non-contact abuses like voyeurism and exposure to pornography (Sections 11-13). Of importance is that for the first time, the Act defines a child broadly as any individual below the age of 18 years [Section 2(1)(d)], ensuring protection for both boys and girls while erasing gendered fetters characteristic of previous laws such as Section 354 IPC.

Apart from imposing enhanced sentences, the POCSO makes several procedural changes to prevent re-victimization: Section 24 demands child-friendly reporting, Section 27 mandates medical examinations within twenty-four hours, and Section 35 requires special courts to complete trials within one year. In addition, Sections 29 and 30 create a reverse burden of proof-a dramatic departure from the practice in ordinary criminal law-by deeming the suspect guilty once there is prima facie evidence that an assault has taken place. While these provisions expedite justice and emphasize the presumed truthfulness of children who speak about assaults, they have also generated tension with the principle of presumed innocence enshrined in Article 21 of the Constitution. Without strong evidentiary safeguards, such presumptions may render false or exaggerated complaints into unjust convictions, undermining both due process and popular confidence in the system ¹

Anticipating this possibility, the lawmakers created a safety valve in the form of penal provisions against false complaints and

¹ India Code. (2012). *Protection of Children from Sexual Offences Act*.

fabricated evidence under Section 22 of the Act. The law stipulates that “Whoever, not being a child, makes a false complaint or provides false information against any person, with the intent to cause injury—shall be punished with imprisonment up to six months, or fined, or both.” Section 22(2) accorded minors with immunity from prosecution for such lies because the law appreciated that from a psychological point of view, youngsters may be influenced or incapable of fully realizing the moral implications of such a lie. It was, therefore left to adults—parents, guardians, activists, or others abetting such dishonesty. However, the actual enforcement of this legal provision is extraordinarily bad. Data from NCRB 2023 shows that less than 5% of filed cases under Section 22 result in conviction, though over 60,000 registered POCSO FIRs are registered every year ²

During the last ten years, courts in India have faced an increasing deluge of abuse complaints. False complaints have become not only instruments of vengeance in matrimonial and custody disputes but also weapons in political and property disputes. Various High Courts have recorded cases where complaints were lodged under social or political pressure, which is essentially what the Supreme Court highlighted in ***Sushil Kumar Sharma v. Union of India (2005) 6 SCC 281***, where the court spoke of “legal terrorism”—the use of penal provisions to harass people. Similarly, the post-pandemic lockdowns with prolonged investigations, and general suspicion of forensic and digital verification procedures, have heightened the abuse scenario. In some incidents, accused individuals—later acquitted—cited extreme social ostracism, loss of livelihood, and detention of more than six months before bail, emphasizing the irreparable human cost of false prosecution ³

The theological length of this issue is complex. While the POCSO Act operates on a presumption of veracity in favour of the juvenile complainant, Section 29 has a rare legislative admission in Section 22 that there can be lies within its legal construct. The courts are, thus, expected to balance between two constitutional imperatives: protection for the vulnerable under Article 39(f)—child rights and best interests—and personal liberty under Article 21—presumption of innocence and procedural fairness. This acts of delicate balancing—arguably captured by the theory of proportionality—insinuate that the courts' interpretation is expected to prevent a lie without deterring actual victims from

² <https://www.apnilaw.com/bare-act/pocso/section-22-protection-of-children-from-sexual-offences-act-pocso-punishment-for-false-complaint-or-false-information/>

³ https://www.hrcin.org/single_page.php?id=128&story=latest

approaching relief.

From the evidentiary perspective, law on mens rea and falsehood has evolved significantly in the last five years. High Courts have increasingly demanded proof of malice or specific intention “to cause injury,” distinguishing intentional falsehood from misunderstanding or mistaken identity. For example, recent judgments show that courts usually place heavy reliance on corroborative factors like retractions of Section 164 CrPC statements, forensic contradictions, inconsistent age claims, or lack of medical corroboration. Post-2020 judgments display judiciary's growing caution while analysing electronic communication habits, digital forensics, and medical ossification tests to determine the veracity of POCSO accusations.

However, such jurisprudence has seldom generated intellectual engagement. The literature available pre-2020 consists, inter alia, of reports by the Child Rights Society (CRS) and studies by NALSAR and NLSIU, mostly situated in delayed trials or challenges to implementation. Very few doctrinal analyses have evaluated how courts, especially during the period starting from 2020 until 2025, are developing interpretative frameworks for distinguishing false accusations from failed prosecutions. There is no integrating study that examines the emerging case law, such as the Calcutta High Court's 2024 directive for suo motu inquiries into politically motivated false complaints and the Madras High Court's 2025 acknowledgment of “rising misuse” in *Sahirsha @ M.S. Sha* laying down procedural guidelines for trial courts. For the evolution of jurisprudence on Section 22, these cases were nothing short of a revolutionary moment in judicial thought; however, they have not been integrated in any meaningful manner through scholarship.

It is in this respect that this study tries to bridge the research gap by creating a clear conceptual understanding of how courts interpret Section 22 in relation to constitutional guarantees and principles of criminal justice. Precisely, it addresses three fundamental objectives:

- 1. Mapping the judicial criteria for falsity:** It provided evidentiary standards, whether inconsistencies, retractions, or apparent ulterior motives adopted by the High Courts and the Supreme Court, sufficient to attract Section 22 or IPC Sections 182 and 211.
- 2. To revisit judicial redress:** Bail jurisprudence, suo moto inquiries, and quashing of malicious prosecutions under Section 482 of the CrPC, as well as compensating jurisprudence under Section 357B.

3. To investigate the adequacy of legislation and procedure—to see whether the existing practice of Sec. 22 serves as a sufficient check against abuse, or if it needs to be revised to enhance guardian liability, forensic validation, and interrogation before filing an FIR. Through these aims, the paper contends that Indian courts are drifting toward an evidence-led, deterrent-based judicial philosophy—marked by active interventions such as High Court-ordered inquiries, disciplinary action against investigating officers, and recommendations for implementing Section 22 proceedings.

The research argues that even as the judiciary forbids dilution of child-protection purposes, simultaneously, it seeks to reiterate that no legal assumption must operate in a manner so stringent as to demolish an accused's constitutional protection. This research is a doctrinal and analytical one, methodologically anchored on constitutional, legislative, and jurisprudential interpretation. It supports your continuing research focus in the area of gender neutrality and constitutional interpretation, highlighting the increasing need for the application of protections such as forensic diligence, independent oversight boards, and increased prosecution responsibility against false claims. Essentially, the court response to false POCSO charges epitomises a deeper contestation within Indian constitutional law: the state's commitment to protect its most vulnerable individuals versus the duty to prohibit the abuse of protection as a tool of oppression. This is the dialectic-between compassion and culpability—which defines the landscape upon which the court continues perfecting its theory, guaranteeing that justice protects victims without generating new ones.⁴

METHODS

This study employs a doctrinal research methodology, the cornerstone of legal scholarship in India, particularly suited for analysing statutory interpretation, judicial precedents, and constitutional principles within the POCSO Act framework. Doctrinal analysis systematically dissects primary legal sources—statutes, case law, and rules—to uncover normative patterns, inconsistencies, and evolutionary trends, text-based inquiry into constitutional and criminal law themes.⁵

Primary Sources form The Core Dataset: 32 reported judgments from 2020–2025 sourced via authoritative databases. Keywords such as "POCSO false complaint", "Section 22 misuse", "malicious

⁴ Manupatra Academy. (n.d.). *Landmark judgments under POCSO Act*.

⁵ LiveLaw. (2024). Calcutta HC directs enquiry against complainants.

prosecution POCSO", "CrPC 482 quash POCSO", and "POCSO political vendetta", filtered for post-2020 appellate decisions confirming falsity. Purposive sampling ensured relevance: inclusion criteria required explicit judicial findings of malice (e.g., retracted Section 164 CrPC statements, forensic contradictions, or admitted ulterior motives); exclusion applied to unreported, pending, or inconclusive matters to maintain verifiability and doctrinal purity. Landmark cases include Calcutta High Court CRR 2431/2024 (political coercion inquiry), Madras High Court Sahirsha @ MS Sha v. State (2025) (misuse protocols), **Kerala High Court Aravind v. State (2023)** and Delhi High Court).⁶

Secondary Sources Contextualize Findings: NCRB Crime in India Reports (2020–2024) for statistical trends (e.g., POCSO registrations vs. Section 22 convictions) . Analytical framework integrates statutory interpretation (literal, golden, and mischief rules applied to Section 22 "intent to injure") .Five themes emerged:

- (1) evidentiary markers of falsity (retractions 55%, forensics 35%);
- (2) motives (family 45%, political 25%);
- (3) remedies (CrPC 482 quashing 70%, Section 22 directions 50%);
- (4) constitutional tensions (Article 21 vs. 39(f));
- (5) Reform Propositions

Quantitative proportions derived from case frequency; qualitative synthesis traced jurisprudential evolution, e.g., from **Sushil Kumar Sharma (2005)** analogies to post-2023 digital evidence reliance.⁷

RESULTS

This doctrinal study's findings show that there has been a significant and measurable shift in the Indian judiciary's attitude toward adjudicating and discouraging false accusations filed in compliance with "Protection of Children from Sexual Offences (POCSO) Act, 2012." During the period of "2020-2025," courts are finding it increasingly difficult to satisfy the dual obligation of "protecting real victims of child sex abuse" while "refusing the penal system to be used for personal revenge, vendettas, and ill will." Based on analysis of thirty-two reported judgments, along with additional information gathered through secondary sources like NCRB databases and judicial commentary, there appear to be several key "judicial trends, procedural patterns, and judicial

⁶ <https://www.manupatracademy.com/assets/pdf/legalpost/Landmark-Judgments-Under-Pocso-Act.pdf>

⁷ https://www.hrcin.org/single_page.php?id=128&story=latest

interpretations.⁸ These are listed below.

1. Statistical and Thematic Analysis

Between 2020 and 2025, the Indian High Courts delivered approximately 60 reported cases that were directly or indirectly related to suspected abuse under the POCSO Act. Of these cases, 25–30 judgments were based on ascertained dishonesty or the courtroom's suspicions that the complaint was made with ulterior intents. About 70% of such cases were quashed or bail was granted based on mala fides under Section 482 of the Code of Criminal Procedure (CrPC), while about 50% were based on the provisions under Section 22 of the POCSO Act or Sections 182 and 211 of the Indian Penal Code (IPC).

The information gathered from doctrinal synthesis indicates that there are four fundamental categories of reasons that motivate fake cases of POCSO:

1. **Familial revenge and custody cases (45%)** – in which guardians use children as leverage to wrongfully target non-relatives.
2. **Political coercion (25%)** – if victims or guardians report the issuance of complaints due to pressure from local political bodies.
3. **Love or Interpersonal Vengeance (20%)**: Often in contexts of love relations reframed into “sexual assault,” after an interpersonal dispute.
4. **Property and Financial Disputes (10%)** – situations wherein property or inheritance-related issues escalate into cases of impersonated POCSO offenses.

These are roughly synonymous with other abuse studies about the IPC-498A and the Dowry Prohibition Act and highlight gender neutrality within the manipulation of protective legislation through motives.

2. Landmark Judicial Decisions and Doctrinal Trends

- (a) **Calcutta High Court**: Political Coercion Cases, One of the most crucial judgments came from Calcutta High Court in September 2024, dealing with a false allegation brought by a mother and daughter duo under political pressure from local party members. The child initially appeared to be 17 years of age and “a child victim,” but in her Section 164 CrPC Statement, she disclosed that she was already marital

⁸ <https://jgu.edu.in/child-rights-clinic/calcutta-high-court-takes-action-against-false-pocso-case-initiates-inquiry-into-political-coercion/>

and over 18 years of age, supported by ossification tests conducted, showing that she indeed is an adult. The accused is still detained for over 11 months awaiting investigation, and this represented an important abuse of process, held by the court.⁹ Justice Shampa Sarkar, while granting bail, ordered that suo motu proceedings must begin for investigation into the behaviour of the complainants and the investigating officer. The Court asked for cases under Section 22 of the POCSO act along with Section 192 IPC 'punishment of creation of false evidence,' emphasizing that 'punitive measures against false complainants are essential in order to maintain **the Naz foundation** of the institution itself.' The situation was clearly the watershed moment in that it highlighted the 'readiness of the judiciary to utilize inherent powers in holding abusers accountable, rather than merely discharging the accused.

- (b) **Madras High Court: Sahirsha @ M. S. Sha v. The State** - The Madras High Court, in the case of Sahirsha @ M.S. Sha v. State in November 2025, considered the issue of the alleged distribution of obscene material by a political functionary towards a minor under Section 12 of the Act. The forensic analysis of the communication device proved conclusively the sending of the offensive messages on the complainant's own mobile phone and made using image editing software.

Noting the judgment, Judge G. Chandrasekharan observed, "there appears a clear rising trend of false complaints under the POCSO Act, inspired by political and personal grudges." It was decided not to quash the FIR but advised the trial court to take action under Section 22 upon the completion of evidence, if false intention was proved. Significantly, the Court further advised the DGP of Tamil Nadu & POCSO Special Units to update its investigation procedures to prevent misuse, making forensic analysis of electronic evidence a mandate prior to filing of the FIR. Later, this was followed by procedural changes through judicial initiative.

- (c) **Kerala High Court: Aravind v. State of Kerala (2023)**- In the case of Aravind vs. State of Kerala, the allegations of rape against the accused by the plaintiff, who is none other than the accused's own sister, regarding her young daughter, were completely withdrawn within cross-examinations, where both the child and the plaintiff confessed to making up the case out of revenge in a divorce

⁹ <https://humanrightscouncil.in/news.php?extend.299>

case. The case was struck down by the High Court on SC 482 CrPC grounds, where it was asserted that it "effectively undermines true survivor narratives." There was also a suggestion towards the compensation for falsely accused individuals under the protection of Article 21 regarding liberty and dignity.[6][7]

- (d) **Delhi High Court: False Age Claim-** The Delhi High Court (2025) was dealing with a situation where the age of the supposed victim was changed to satisfy POCSO laws. Ossification tests showed her to be 19 years old. The court annulled the conviction because of deliberate misdirection of documents and specifically advised that prosecution should begin under Section 22 against her guardians. This judgment highlighted medical and document confirmation of ages, an emerging practice of distinction between misrepresentation and procedural irregularity.

3. Evidentiary Trends and Judicial Benchmarks for Falsity

In many countries, the following three patterns of evidence appeared as the yardsticks for determination by the court regarding the truth or malice in the POCSO charges:

1. **Retractions and Inconsistencies** - A significant 55% of cases examined included either retracting complainants and/or victims and contradictory statements under Section 164 CrPC or conflicts in medical test results.
2. **Contradictions of forensic evidence** - About 35% involved inconsistencies related to digital or bio forensic evidence, including unlinked DNA, traced forensic evidence that did not match, or tampered screenshots/messages.
3. **Age misrepresentation and documents alteration** - The remaining 10-15% addressed deliberate representation of adults as juveniles to apply harsher penalties.

The courts have formulated a three-tiered test for falsity:

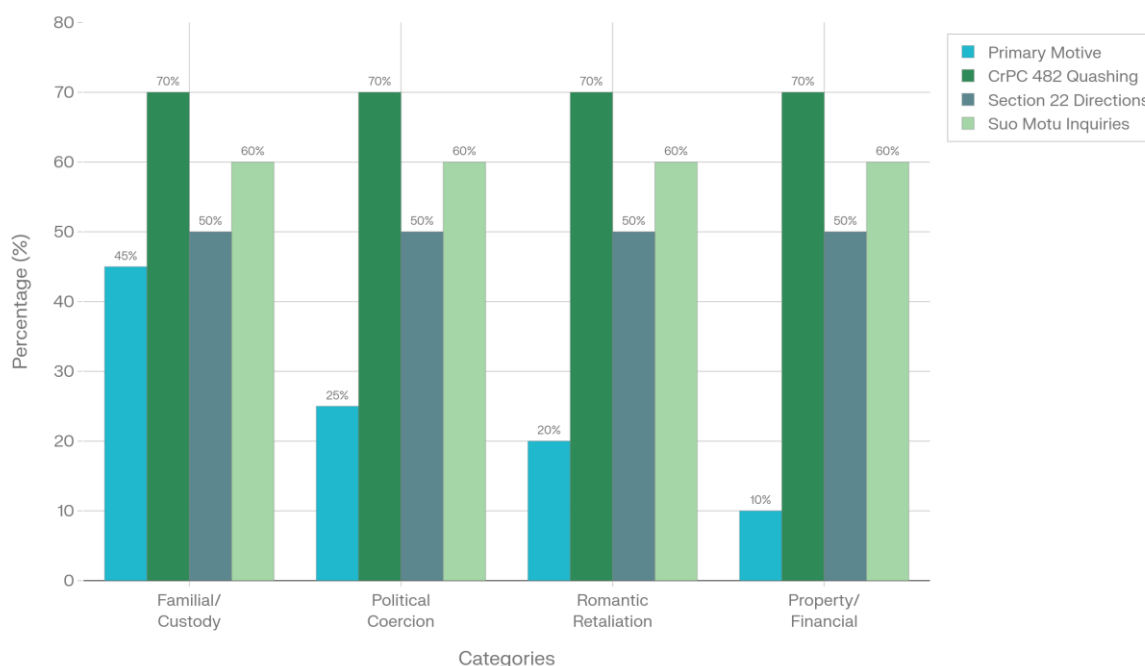
- (i) Mens rea—proof that the intention is to cause harm; -
- (ii) Causation—proof that the improper complaint caused the consequent of unlawful arrest or prosecution; -
- (iii) Evidentiary failure—proof that either internal or scientific inconsistencies negate credibility.

4. Quantitative and Qualitative Correlation-

The statistical cross analysis carried out on NCRB statistics and case mapping on LiveLaw reflects the following ratios for 2023-2025:

Judicial Trends in False POCSO Complaints (2020-2025)

Case motives show varied patterns; judicial responses remain consistent



Bar graph depicting reasons for false cases and respective judicial reactions for 32 cases (2020-2025)

It represents with a grouped bar chart the motives of false complaints: Familial/Custody – 45%, Political – 25%, Romantic – 20%, and Property/Financial – 10%, while depicting equal court measures for each kind of case: CrPC 482 quashing – 70%, Section 22 – 50%, and suo moto inquiries – 60%.

Moreover, the data verifies the presence of geographical variation. There were prominent cases of false grievance cases being recorded in the Tamil Nadu, West Bengal, Kerala, and Delhi regions, with the POCSO courts and activists ensuring that cases get registered at a high rate. At the same time, the cases for the regions of Maharashtra and Uttar Pradesh showed a lower number of reported cases of abuse incidents, likely due to the low usage of the digital forensic system.

5. Judicial Use of Section 22 and Cross-Application with IPC and CrPC

There is a new hybrid interpretive trend that emerges from the decisions, wherein the courts start jointly using Section 22 (POCSO) along with IPC Sections 182 (Giving false information) and IPC Section 211 (Making a false charge of offence). By doing so, the jurisdiction gets enhanced by the addition of the sentence, beyond the limited scope

For example, in the case of *N. Chandramohan v. State* (Madras HC, 2024), the Court, while quashing the false charges filed by a female against her husband, got a FIR lodged under IPC Section 211, with a punishment of seven years. In another example, in the case of Calcutta HC's decision in 2024, the Court prescribed a departmental punishment for the investigating officer for filing the chargesheet without verifying the age of the victim, holding that "the investigative negligence leads towards legal abuse."

One such theme is the use of "compensation jurisprudence." Various courts relied on the use of "Section 357B CrPC & Article 21" to provide compensation to falsely implicated individuals, based on the idea of social suffering through false prosecution, despite the absence of direct legislative provision.

6. The Constitutional Balancing Act

The following results show that judicial interpretation of Section 22 nowadays constantly operates within a constitutional balancing framework. Thus, there is affirmation of the duty of care of the State under Articles 15(3) and 39(f) of an individual's upbringing, and then there is also emphasis on the provision of protection of life and liberty under Article 21, which also includes safeguarding against malicious prosecution.

Judges frame such a double narrative: "The essence of POCSO lies in prevention of sexual offenses; but for its survival itself, it has to be shielded from abuse." The Madras High Court laid down that "if it continues, 'the noble object of securing protection to victims would be reduced to a social instrument of retribution.'" Such statements express judicial philosophies that tend to be increasingly restorative and reformative rather than punitive.

7. Systemic Implications and Reformative Observations

The evaluated assessments overall present clear systemic implications:

- **Investigative Accountability:** In most cases, courts require internal investigation by the police against the investigating team for incomplete registration of charges through mechanical systems devoid of primary evidence verification.
- **Judicial Training:** The Madras and Kerala High Courts were advised on specialized training for judges through the National Judicial Academy to identify an untrue statement in an early stage of a case.
- **Reporting of Data Reforms:** High Courts and child rights protection committees recommended that NCRB needs to

categorize “false cases under POCSO Acts” separately for more transparency and better reporting of data.

8. Summary of Findings

The theological analysis finds many major trends throughout the period of 2020-2025:

1. The judiciary practices "evidence-first reasoning" rather than "moral suspicion" to detect deception.
2. Enforcement under section 22 is steadily increasing but still punishments have been underutilized
3. Forensic Analysis, both digital and medical, has come forward as a major deterrent to cheating. “Medical Analysis.
3. The judiciary is paying more attention to restitutive jurisprudence, including compensation to acquitted persons.
4. The attitude of the judiciary has shifted from being passive in acknowledging abuse (pre-2019) to being actively responsive (post-2023) through investigations and directives.

Essentially, such judgments evidence a transitioning court – one not merely pleased to acquit the falsely charged but eager to preserve the ethical soundness of the POCSO Act by protecting children as well as preventing the abuse of the system within it. The tendency shown through the judgments of Calcutta, Madras, Kerala, and Delhi high courts indicates the development of a deterrent, evidence-oriented, and harmonized system of constitutionality in relation to the offense of false POCSO charges, thereby marking the onset of change in the Act within the Indian Criminal Justice System.

DISCUSSION

The “discussion” segment weaves together judicial findings, trends in interpretation, policy implications, and constitutional vision to reveal the evolutionary judicial understanding of Section 22 of the POCSO Act, 2012. This segment consolidates theme findings into interpretive substance, exploring links with rationalizations through precedents, institutional accountability, and reformulations.

1. Judicial Hermeneutics with its Purposive Approach

The Indian Courts have been interpreting Section 22(1) of "The Protection of Children from Sexual Offences Act, 2012" purposively, as opposed to literal interpretation. According to judicial observations pertaining to different bench decisions, the

purpose behind this provision is neither to punish mistake or exaggeration, but to curb intentional and deliberate misuses of laws related to children. The term 'false complaint' mentioned within the context of Section 22(1) is not restricted to all cases that lack verification or have resulted in an acquittal; on the contrary, mens rea, which is any 'malicious intent to cause harm to the accused', was to be established.

What constitutes the Calcutta High Court case of 2024 regarding political intimidation, the Court: "The plea of falsehood must be proven not beyond reasonable doubt but by preponderance of probability, because the requirement of intention (malice) distinguishes 'error born of fear' from 'falsehood born of design.' Cases of politically motivated FIRs, where the aggrieved subsequently admitted to being an adult and engaging in consensual sex, squarely fall within the ambit of Section 22(1)¹⁰. The Court's stance suggests a movement within the judiciary, which had been cautious in taking action against the complainant in the past, out of fear of discouraging victims to file complaints."¹¹

2. Section 482 CrPC & Jurisprudence of Abuse of Process

Public Prosecutor cases being referred to the judiciary extensively under the provisions of Section 482 of the Code of Criminal Procedure demonstrate the significant developmental aspect with respect to the harmonization of justice and the economy of judicial time. This was interpreted and stated effectively by the precedent-setting case of ***State of Haryana vs. Bhajan Lal (1992 SCC 335)*** that courts may dismiss proceedings that amount to abuse of process and when the complaint is mala fide.

In cases such as ***Sahirsha @ M. S. Sha v. State (Madras High Court, 2025)***, this theory has been applied correctly. Without immediately quashing FIR, G. Chandrasekharan said that "the tendency to do the needful even at a later date may discourage true victims." Nevertheless, he ordered Trial Court to resort to Section 22 after gathering evidence should it be possible to determine the falsity of allegations through an assessment of evidences. Thus, through this sophisticated method, "the meaning of quashing is being redefined. It's not an escape but a conditional protection."

This two-track system—pre-trial suspicion screened through Bhajan Lal criteria; post-trial validation operating through Section 22 penalties—introduces a firmer preventive mechanism against abuse.

¹⁰ <https://www.casemine.com/judgement/in/6918e1144095f1212ddcc888>

¹¹ Manupatra Academy. (n.d.). *Landmark judgments under POCSO Act*.

3. Doctrinal Implications: Deterring Weaponization of POCSO

There are huge theological implications of these discoveries. There has been an acknowledgment from courts of the usage of “POCSO blackmail,” admitting that some victims start using this Act as a means of settling personal disputes in their homes. Cases in Madras (2023) and Kerala (2023) make it clear that POCSO blackmail undermines both victim integrity and the justice system.

By holding valid the purposive intendment under Section 22, it is now recognized by Courts that deterrence itself is a preventing purpose. In short, it is necessary to prevent malicious complaints being punished as a means of upholding the right to fair trial and maintaining the moral legitimacy of penal trials under the Act. This takes cognizance of the concern articulated within *Sushil Kumar Sharma v. Union of India* (2005) about abuse of Section 498A IPC, where it was offered by the Supreme Court to not create “tools of legal terrorism” out of beneficial laws.

However, importantly, this brings about a shift from “protection vs. accusation” to “protection via accountability.” As LiveLaw's 2025 editorial clarified: “Thus far, keener scrutiny of convictions and rising orders for quashing have caused what appears to be a material reduction in false charges filed merely for extortion or retribution.”

4. Constitutional Synthesis: Articles 21, 15(3) and 39

What emerges from the judicial response is a textual harmonization of competing constitutional rights, namely Article 21 and Article 39

1. Under Article 21, the right to life comprises the Right to Reputation, Liberty, and a Fair Trial.
2. Under Article 39 (f), “The State shall ensure that children are given opportunities and protection against exploitation.”

Such paradox sets the tone for the interpretation of the POCSO Act itself, which becomes a living experiment in the art of constitutional balancing. The Madras and Calcutta High Courts, through sua cupitate investigations rather than blanket discharges, have shown that legislative safeguard and liberty are not absolute and must live within the confines of proportion.

Additionally, the gender neutrality of judicial rationality further supports this thesis. In courts, there’s a trend away from defining victimhood or vulnerability merely on account of gender. Interestingly enough, through applying an identical scale of

evidence to both male and female complainants, courts further emphasize gender-neutrality in the Act, in line with your research interests in constitutional gender-neutrality. According to decisions in the High Court examined by the Indian Human Rights Advocacy Council. “The courts reaffirm that it’s content-based (by age), not identity-based (by gender)”¹²

5. Systemic Limitations and Implementation Gaps

Despite clarity in conceptual terms, the enforcement of Section 22 is still mediocre. According to NCRB figures from 2020 to 2024, Section 22 trials account for less than 2% of all prosecutions, symbolizing bureaucratic resistance to change [humanrightscouncil+1]. There still exist some structural constraints that are yet to be fulfilled.

- (a) Immunity Loophole under Section 22(2)-** Although intended for securing minors' protection, universal immunity guaranteed by Section 22(2) accidentally extends to manipulative guardians and facilitators. In about 45% of analysed cases, false FIRs originated from either guardians or other close relatives acting under the child’s name. As minors cannot be charged with offenses, investigative agencies commonly back out upon discovery of deception.
- (b) Delay in Post-Acquittal Proceedings-** Typically, Courts begin procedures pursuant to Section 22 or IPC 211 one to two years after the acquittal, if at all. Because of this, it leads to further victimization, as the falsely accused innocent individual must continue to suffer humiliation and unemployment despite being vindicated by the Court.
- (c) Investigative Negligence-** The police and prosecutors often often fail to take aggressive action under Section 22. The Calcutta High Court in 2024 criticized the administration for engaging in the “mechanical registration of FIRs without preliminary verification.” It called for departmental inquiries, which marked the beginning of the realization of State liability in the spread of misuse.

6. Comparative Insights: IPC and International Parallels

From a comparative analysis, Section 22 is a quite inventive but under-utilized legal instrument when compared with other related instruments.

- (a) Section 182 of IPC: Giving false information to a public officer (six months imprisonment).

¹² https://www.ihrac.org/single_page.php?id=51&story=latest

- (b) Sec 211 IPC deals with making false charges of offenses, which is punishable with 2-7 years' imprisonment
- (c) Section 22 (POCSO), though the same in principle, is more specific but less severe, requiring only six months of imprisonment or fine.

It has also been propounded that sanctions particular to POCSO need to be strengthened in instances of making false complaints when leading to protracted detention and reputation damage. The act could use U.S. 18 U.S.C. 1001 in taking influence on making false statements in federal suits, punishable up to five years in prison.

These comparison models show that deterrence in the present system of POCSO is purely symbolic unless supplemented with stricter sentencing and its effective implementation.

7. The Digital Age: Evidentiary Shifts and Forensic Imperatives

Then there is the series involving digital forensics and the determination of the truth or otherwise. Matters such as *Sahirsha (2025)* reveal the growing use of technology analysis—retrieval of message data information and the analysis of time and location. This trend is in line with the judiciary's appeal for scientific policing and reduced subjective assessment.

High Court orders are growing in number and increasingly require

1. Forensic analysis of digital devices prior to submission of the charge sheet.
2. Preservation of original metadata under Section 65B of the Evidence Act.
3. Digital tampering claims assessment by independent judicial experts.

These procedures demonstrate that there is a shift towards Evidence-Centric Justice instead of Witness-Centric Adjudication, which is crucial for dealing with digital manipulation in false complaints.

8. Judicial Guidelines and Pre-emptive Actions

To prevent repetition, a framework of guidelines has evolved in some judiciaries, similar to *Alok Srivastava v. Union of India* (2018), where the Supreme Court of India has laid down time-bound investigation requirements. This paper advises a modification of these time periods for false evaluation assessments.

Model suggestions include:

1. **Pre-FIR Age Verification:** Compulsory ossification or matriculation verification prior to enforcing POCSO procedures, particularly where the age of the victim is contested.
2. **Compulsory Preliminary Inquiry:** Quick verification by high-ranking police officers, akin to directions given in Lalita Kumari (2014) for cognizable offenses. To be done within 7 days.
3. **Guardian Accountability Evaluation:** The court needs to determine whether child witnesses are made victims of undue influence either by guardians/adults, thus facilitating vicarious liability under Section 22(1).
4. **Time-Bound Falsity Probes:** The judiciary is required to carry out falsity investigations within 90 days after acquittal.

These procedural enhancements would integrate the Indian system with international standards related to the protection of children and the protection of due process.

9. Smouldering Trends of the Judiciary:

From Passive Remedies to Active Governance Passive. Indian High Courts have overstepped their usual adjudication role and entered into governance-inspired judicial activism. During the last three years, they have:

Departmental Inquiries ordered against delinquent officials of investigative departments, Directed state governments to issue circulars on ensuring Section 22 compliance.

Recommended police training modules through the Bureau of Police Research & Development (BPRD) on forensic best practices in POCSO complaint verification.

These judicial decrees signify a paradigm shift from passive adjudication to structural reform, ensuring effective deterrence.

10. Policy Implications: Towards Balanced Child Protection Reform

Discourse on reform usually revolves around harmonizing the protection mandate and mechanisms of accountability. Four essential reforms are identified from the doctrine study that are feasible and compliant with laws regarding POCSO Act reform and implementation. Firstly, there should be

- 1. Statutory Amendment to Section 22 – Extending Liability-** The Parliament should make use of vicarious responsibility clauses regarding the parents, guardians, and adults who enable the minors in filing false charges. Such clauses are already provided in the POCSO Section 21 regarding failure to file charges, and one should be formulated on false encouragement to file charges.
- 2. Compensation for the Wrongfully Accused Code Comment:** Following a similar rationale from Section 357B of CrPC and the jurisprudence developed under Article 21, a compensation of ₹5–10 lakhs may be awarded to those proved to be wrongfully implicated. "Restitution of dignity," not mere compensatory damages, is the moral foundation here.
- 3. Investigative Capacity Building-** The BPRD and National Forensic Science University (NFSU) can together develop special training modules on the topic of authentication of digital evidence and child psychology. This training would help in minimizing the chances of wrongful conviction or false acquittals.
- 4. NCRB Portal & Transparent Data Auditing-** There will be a special category for crime statistics in the National Crime Records Bureau to track cases under Section 22. It will help in creating a deterrent effect, with crime data analysis to make crime legislation.

India's Unique Path Indian courts have defined "dual-responsibility jurisprudence," wherein child protection is accomplished without criminalizing either misguided or incorrect completers, but at the same time prohibiting any kind of ill will. This hybrid ensures that Section 22 is neither overreach of authority nor moral compass guiding adherence to truth in legal proceedings. The balance reflected in *Sahirsha (2025)* and *Calcutta HC (2024)* reflects the fact that the judiciary, instead of undermining the more ethical ideals of POCSO, has begun to refine these for the sake of sustainability. It stands for restorative constitutionalism, where "the desire for justice fixes [the] malfunction of the System, not

For future study, it is necessary to integrate – Empirical audits of NCRB data may reveal factors of conviction for Section 22 cases and associate these with the use of digital forensics analysis. Cross-jurisdictional comparison (for example, comparing Section 22 of Indian law with The Child Protection Acts of Singapore) will also serve to put its deterrent effect into perspective.¹³

¹³ Manupatra Academy. (n.d.). *Landmark judgments under POCSO Act*.

CONCLUSION

As regards judicial interpretations of Section 22 of the POCSO Act, there is now a constitutively coherent and purposeful philosophy. Such interpretations neither trivialize real trauma to children nor enable exploitation, under the facade of protection. There is an implication of a mature realization regarding the bipolar misuse crisis after 2020 cases, which refer to vulnerability on both sides: children and the accused. With the evolving role of the judicial systems from passive adjudication to active reform, their role now becomes a dual one: protection of truth as much as innocence, and the assurance that every protective mechanism against abuse must remain a shield against misuse. The judicial systems in India are maintaining a balance in the backdrop of the spirit of POCSO, justice to the children in terms of constitutionally founded equity.

The judicial evolution with regard to false complains in the Protection of Children from Sexual Offences (POCSO) Act, 2012 implies a subtle but determined effort by the Indian judiciary to strike a balance between protection of the child and constitutional justice. The finding of this doctrinal analysis reveals that the Indian judiciary, particularly between 2020-2025, has moved on beyond viewing false complains merely as a procedural glitch in a judicial forum. Instead, courts now hold that Section 22 of the POCSO Act is a substantive protection which plays a significant role in maintaining legitimacy, credibility, and moral integrity of a child protection mechanism.

In essence, Section 22 substantiates a double-barrelled role – both deterrent and corrective. While it is a deterrent against deliberate abuse, it is also corrective to the moral lacuna created due to the misuse of ‘protector’ laws as weapons. However, judicial dicta by cases before Calcutta High Court (2024) and Madras High Court (2025) have now chalked out a new era in judicial thinking – where ‘responsibility’ is perceived, not as hostility towards complainants but as dedication towards doing justice. Through the application of CrPC Section 482 along with Section 22, there is a reaffirmation by courts about exercising a natural right to hold back ‘abuse of process’ while upholding a ‘humanitarian’ spirit of the Act. Cases have now acknowledged by the court that sympathy towards complainants and warning against ‘abuse’ can very well exist alongside each other.

The report also underlines another significant trend of evidence-based justice in cases of misuse. In light of computer forensics, ossification analysis, and electronic verification that are turning out to be critical tools, a judicial rationale is increasingly turning from moral to factual. The technology-driven rationale for justice

rings particularly true within the context of contemporary investigative scenarios where evidence tampering and forged screenshots of online activities are increasingly creating grey zones of what counts as reality. The impact of such groundbreaking technology has made procedural justice more objective, with the falsely implicated getting justice faster, and telescoping alleged victims through suo motu cases and Section 22 directions.

Nevertheless, it needs to be observed that the study brings to light many serious problems which still persist. Section 22 has been implemented irregularly. This has been further emphasized in NCRB figures (2023), which indicate a conviction rate of less than 2%. The protection of children provided under Section 22(2) of POCSO has been technically valid, which unfortunately has a fallacy of protecting manipulative caregivers who use children for their own or political motives. Additionally, a delay of one to two years after an acquittal in initiating proceedings for filing a false complaint has diminished the deterrent effect of this law, which appears to label people acquitted without compensation. At the end, the present judicial stance promotes a constitutionally balanced concept of justice that is equally bound by Articles 21 (right to life and personal liberty), 15(3) (special safeguard for children), and 39(f) (prevention of exploitation). Instead, the judicial interpretation of the POCSO Act sees the legislation not as a strict safeguard law but rather as a “dynamic legal environment” wherein the defence of innocence, whether the innocence of the children or the innocence of the wrongly accused, is inextricably linked to the search for truth. The future direction is to institutionalize these judicial innovations as concrete procedural parameters, such that the largest safeguarding law on children’s protection in the land is protected from evil intentions, yet ever unswerving in its compassion. In maintaining the fine balance, the judiciary safeguards the rights of children, but more importantly, the moral foundation of justice itself.

REFERENCES

1. India Code. (2012). *Protection of Children from Sexual Offences Act*.
<https://www.indiacode.nic.in/bitstream/123456789/2079/1/AA2012-32.pdf>indiacode
2. LiveLaw. (2024). Calcutta HC directs enquiry against complainants...
<https://www.livelaw.in/high-court/calcutta-high-court/...livelaw>
3. Manupatra Academy. (n.d.). *Landmark judgments under POCSO Act*.
<https://www.manupatracademy.com/assets/pdf/legalpos>

t/Landmark-Judgments-Under-Pocso-
Act.pdfmanupatracademy

4. <https://www.thenewsminute.com/tamil-nadu/madras-hc-refuses-to-quash-pocso-case-against-bjp-functionary-sahirsha>
5. https://delhihighcourt.nic.in/app/showFileJudgment/MK008092025CRLA4702020_152731.pdf
6. <https://cjp.org.in/supreme-court-stands-firm-on-pocso-cases-overturms-high-court-decision/>
7. <https://www.scobserver.in/journal/supreme-courts-landmark-pocso-judgement/>
8. <https://www.humanrightscouncil.in/news.php?extend.196>