
AFTER ACQUITTAL: EXAMINING THE IMPACT OF FALSE RAPE ALLEGATIONS

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ABSTRACT

Reforms to sexual-offence law in India have prioritized survivor protection and faster access to justice for victims of sexual violence. Yet, an unexamined counter-reality exists: the phenomenon of false rape allegations. While sexual violence devastates lives, malicious accusations too inflict irreparable harm—social, psychological, and economic—on the falsely accused.

This paper explores the legal definitions of rape, the distinction between false, unfounded, and unproven cases, and the motives that drive fabricated complaints, from interpersonal vendettas and family pressure to extortion and tactical misuse. Drawing on case law, empirical studies, and recent judicial observations, it examines the systematic injuries and socioeconomic consequences suffered by those wrongfully accused.

The discussion culminates in remedies and safeguards aimed at striking a difficult but essential balance: preserving the presumption of innocence without undermining protections for genuine survivors. By shining light on this neglected dimension of sexual-offence law, the paper raises an urgent question—how can justice systems protect both survivors and the innocent, without letting either fall through the cracks?

Keywords: Rape law, false rape allegations, malicious prosecution, presumption of innocence, misuse of protective legislation, victim anonymity, rights of the accused, socioeconomic consequences of false accusations.

1. Introduction

The evolution of rape laws in India has been shaped by demands for justice, especially in the aftermath of high-profile cases such as the Nirbhaya gangrape case (2012)¹ which led to several sensitive and victim-centric reforms under the Criminal Law Amendment Act, 2013.

Sexual violence remains a grave and pressing issue that requires societies' urgent attention. Important and ongoing conversations rightly emphasize the need to support survivors and ensure accountability for perpetrators.

However, how often do we confront the shadow cast by the same law? This paper examines the understudied phenomenon of false rape allegations in India. This paper does not compare the scale of these problems; rather, it recognizes both as genuine social concerns.

This paper examines what motivates filing of false sexual offence complaints, the damages it causes and the socioeconomic impact it has. Our aim here is to shine a light on this neglected side of the story — to ask how the law, society, and our justice system should strike a balance between protecting victims and preventing misuse of the law.

2. Concept of Rape and False Rape Allegations

To understand the concept of false rape allegations, we must first understand what constitutes rape under Indian law. As per *Section 63, Bharatiya Nyaya Sanhita (2023)*, previously *Section 375, Indian Penal Code (1860)*, a man commits rape by penetrating a woman's vagina, mouth, urethra or anus with his penis; by causing her to do so with him or another; by inserting any object or body part other than the penis into these organs; by manipulating her body to cause penetration; or by oral contact with her sexual organs.

Rape is defined as being done without the consent of the victim, against her will, by fear of death or hurt, by impersonating her husband, when she cannot understand due to intoxication or mental illness, if under eighteen, or if she cannot communicate consent. Consent must be an unequivocal voluntary agreement communicated by words, gestures, or conduct; lack of resistance does not imply consent. Medical procedures are excluded; marital intercourse is not

¹ Mukesh & Anr. v. State of NCT of Delhi & Ors., (2017) 11 S.C.C. (India)

rape unless the wife is under 18.

- *Section 64* prescribes minimum 10 years' rigorous imprisonment, extendable to life imprisonment, plus fine, with enhanced punishment where the offender holds a position of authority or trust, or where the offence occurs during communal violence, against a pregnant woman, against someone unable to consent due to disability or illness, causes grievous harm, or is repeated.

Section 65 raises penalties for minors: rape of a person under 16 attracts at least 20 years' imprisonment, extendable to life with fines; rape of a child under 12 carries the same minimum and may attract death. *Section 66* punishes rape causing death or persistent vegetative state with at least 20 years, life imprisonment or death. *Sections 67–71* cover separated-husband offences, sexual acts by persons in authority, deceitful intercourse, gang rape and repeat offenders, with penalties including life imprisonment or death.

A *false allegation of rape* is one in which a complainant knowingly fabricates or deliberately misrepresents an incident of sexual violence. In legal terms, a false complaint implies that no offence of rape actually took place, and the accusation is made maliciously or recklessly against an innocent person.

- Filing a false prosecution is punishable under *Section 248 BNS*, earlier *Section 211 IPC*, with up to 5 years' imprisonment or ₹2 lakh fine, which may extend to 10 years plus fine if the false charge relates to a grave offence (death, life imprisonment, or >10 years).
- Additionally, under *Section 217 BNS*, giving false information to a public servant to cause injury or annoyance is punishable with up to 1 year, fine, or both.

In practice, the National Crime Records Bureau (NCRB) classifies a complaint as “false” only when investigation confirms that no crime occurred. Other case outcomes may be recorded as no evidence, abated, or true but unprosecuted.²

Regional studies show high rates of cases being classified as false as seen in a 2014 report by the Delhi Commission for Women (DCW) revealed that out of 2,753 rape complaints filed in

² National Crime Records Bureau, *Crime in India 2013: Statistics* 72–74 (Ministry of Home Affairs, Govt. of India 2014).

Delhi between April 2013 and July 2014, 1,464 cases (53.2%) were later characterised as false.³

The Supreme Court has acknowledged that a fabricated rape charge can inflict “equal distress, humiliation, and damage” on the accused as a genuine rape causes to the victim.⁴ Courts have also warned that false allegations tarnish the credibility of real survivors and is an immoral and disgraceful practice.⁵

This was further emphasized by the Delhi high court in 2025 that the rising *trend* of filing and later retracting rape complaints undermines public faith, as each false case creates the impression that even genuine complaints are fabricated, thereby causing grave injustice to real survivors.⁶

It is important, however, to distinguish a *truly “false” allegation* from other categories such as “*unfounded*” (no evidence could be found), “*withdrawn*” (complainant retracts), or “*mistaken*” complaints (based on misidentification or misunderstanding).

There further exists a crucial difference between *false rape accusations* and *cases acquitted or dismissed for lack of evidence*. A false accusation is made maliciously or recklessly against an innocent person. By contrast, acquittal often results from evidentiary gaps or hostile witnesses, and does not necessarily imply that the complaint was fabricated.

Without this distinction, genuine survivors may be deterred from reporting, fearing that any inability to prove their case will expose them to prosecution themselves.

Studying false rape allegations is therefore important as it highlights the delicate balance between safeguarding the rights of survivors and protecting the accused from malicious prosecution, ensuring both fairness and public confidence in the justice system.

³ Delhi Commission for Women, *Report on Registration of Rape Cases in Delhi* (2014), summarized in Press Trust of India; *Over 50% of Rape Cases in Delhi Found False: DCW*, India Today (Aug. 23, 2014), <https://www.indiatoday.in/india/north/story/false-rape-cases-in-delhi-delhi-commission-of-women-233222-2014-12-29>.

⁴ Manak Chand @ Mani v. State of Haryana, Crim. App. No. 2276 of 2014 (India)

⁵ Order of ASJ Anuj Agrawal, *State v. [Name Withheld]* (Tis Hazari Cts., Delhi May 2023) (on file with author); *Delhi HC Says False Rape Cases Tarnish Genuine Victims' Credibility*, Hindustan Times (Sept. 5, 2023), <https://www.hindustantimes.com/india-news/delhi-hc-flags-trend-of-filing-settling-false-rape-cases-refuses-to-quash-fir-101746110379482.html>.

⁶ Shafeeq Ahmad v. State (NCT of Delhi), CrI. M.C. No. 2070/2025 (Del. HC)

3. Reasoning behind False Rape Allegations

False rape allegations arise from a complex mix of interpersonal, economic, psychological and tactical motives, which are important to understand when designing safeguards.

Firstly, interpersonal leverage, revenge and failed relationships are a recurring cause: accusations are sometimes lodged in the aftermath of breakups, family disputes, or to “settle scores.” The law’s protective character can be misused by parties (or third parties such as parents) who report consensual relationships as rape to coerce separation or punish a partner.

Data journalist *Rukmini Shrinivasan* studied 460 sexual assault cases that went to a full trial in Delhi district courts in 2013 and compared the initial complaint made to police with the result in court. She observed that more than 1/3rd of the cases involved young people who had engaged in consensual sex outside marriage until their parents found out and used the criminal justice system to end the relationship. Upon analysis many of these cases dealt with inter-caste or mixed-religion relationships that are considered taboo in a conservative society.⁷

Another recent striking illustration is *Rekha Devi v. State of UP (2025)*⁸, where a woman in Lucknow lodged a gang-rape FIR against two men in June 2021. Investigation revealed the complaint was fabricated, motivated by personal vendetta, and linked to misuse of protective SC/ST provisions. The State had already paid statutory compensation to the complainant, raising the question of whether she should face criminal punishment and repayment for the maliciously false charge.

The special court concluded there had been deliberate misuse of protective legislation, sentencing the complainant to seven and a half years’ rigorous imprisonment, along with fines, and directing the State to recover part of the wrongly awarded compensation.

Yet, despite these punishments, the wrongfully accused men continued to endure lasting social and professional consequences—demonstrating how revenge-driven false complaints can inflict damage that legal remedies cannot fully repair.

⁷ BBC News, *Why Do People Confess to Crimes They Haven’t Committed?*, BBC (Feb. 7, 2017), <https://www.bbc.com/news/magazine-38796457>

⁸ Shraddha Pandey, *UP Court Sentences Woman to 7.5 Years in Jail for False Gangrape and SC/ST Act Case, Highlights Misuse: How Rampant False Rape Cases Have Been a Concern*, OpIndia (June 19, 2025), <https://www.opindia.com/2025/06/up-court-sentences-woman-to-7-5-years-in-jail-for-false-gangrape-case-highlights-misuse/>

Secondly, financial extortion and organised “honey-trap” rackets use the threat or filing of sexual-offence complaints as a coercive tool to extract money; judicial and investigative records show instances where a compromising video or fabricated allegation becomes the core of an extortion scheme.

For example, in *Sejal Sharma v. State of Haryana (2021)*⁹ the petitioner and three co-accused allegedly lured a man to his flat, confiscated his car keys and mobile phone, and demanded ₹20 lakhs—threatening to file a rape case if he did not pay; the victim paid ₹1.5 lakhs in instalments before the items were returned. When the man filed an FIR for blackmail and extortion, a false rape FIR was lodged by the petitioner— apparently to exert further pressure.

Forensic Science Laboratory (FSL) and Medical-Legal Report (MLR) results did not support the rape allegations. Upon investigation, the sequence of events indicated a planned extortion racket. A charge sheet was later filed under various IPC provisions including extortion, defamation and criminal intimidation; the court rejected the credibility of the original rape claim illustrating how rape law can be weaponized for blackmail and financial gain.

Thirdly, psychological motives — including cases of pathological fabrication or false memory, often described in clinical literature as *pseudologia phantastica* — where some complainants may come to sincerely believe in an event that did not take place; such cases are complex because the allegation may not be malicious sense even while it is untrue.

Fourthly, allegations can be weaponized for social or political leverage in unrelated civil disputes — property fights, custody battles, or employment conflicts — where a rape complaint is used to gain bargaining power.

Finally, sometimes allegations serve tactical or legal ends — for example, to create an alibi or distract from other wrongdoing — and in such situations malicious intent is clearer and courts will treat the misuse of law more severely.

4. Systematic Injury to the Falsely Accused

The journey of a falsely accused individual is marked by repeated violations of rights—from

⁹ *Sejal Sharma v. State of Haryana (2021)* AIR ONLINE 2021 P AND H 1084

the initial accusation, through police procedure, to courtroom burden, and eventual acquittal.

Rape is a *cognizable, non-bailable offence* under BNS. Following *Lalita Kumari v. State of U.P. (2013)*¹⁰, the Supreme Court mandated that police must register an FIR “without exception” whenever a cognizable offence like rape is disclosed. No preliminary inquiry is permitted in such cases. This rule secures victims’ access to justice but also means that once a false complaint is lodged, the accused is pulled into the criminal machinery immediately.

Police frequently arrest without a warrant. Though the Court in *Joginder Kumar v. U.P. (1994)*¹¹ warned against mechanical arrests and insisted on *prima facie* satisfaction, safeguards are inconsistently applied. Consequently, individuals may be detained before allegations are substantiated, enduring *police brutality, stigma, and denial of bail*.

Once in court, the accused faces the heavy burden of disproving allegations. Even if ultimately acquitted, in the court of public opinion, the accused is seldom able to “prove innocence”—at best, he benefits from reasonable doubt. Meanwhile, the false accuser enjoys anonymity under *Section 72 of the BNS*, while the accused’s identity remains public, compounding reputational harm.

As mentioned earlier, *Sections 217 and 248 of BNS* penalise giving false information or instituting false prosecutions. Punishments can range from six months to seven years’ imprisonment, depending on the gravity of the false charge.

However, courts require proof of *malicious intent*; mere inconsistencies or failure to convict are insufficient as established in *Santokh Singh v. Izhar Hussain, (1973)*¹². As a result, prosecutions of false accusers remain rare.

5. Socioeconomic Consequences for the Falsely Accused

The human cost of false rape allegations is immense, often far exceeding the punishment imposed on the false accuser.

- **Social Impact:** An accused person immediately faces ostracism; neighbours, friends, and

¹⁰ *Lalita Kumari v. State of U.P. (2013) AIR 2014 SC 187*

¹¹ *Joginder Kumar v. U.P. (1994) 1994 SCC (4) 260*

¹² *Santokh Singh v. Izhar Hussain, (1973) 1973 AIR 2190*

relatives frequently withdraw support; engagements and marriages may be called off; families are shunned. Society and media often presume guilt in sexual-offence cases, meaning the accused can be “convicted” in public opinion long before any court verdict. Courts have observed that the humiliation and distress of being branded a can be profoundly damaging, even when the accusation is later discredited. Studies and case reports record high rates of anxiety, depression, insomnia, and suicidal ideation among exonerated men.

In *Siddhartha Tiwari V. State Of Madhya Pradesh (2025)*¹³, a farmer’s son was accused of raping an eight-year-old girl; he was arrested amid intense local outrage and political tensions.

A Special Investigation Team (SIT) later reported the allegation had been fabricated, allegedly motivated by local rivalry and involving collusion by certain local persons and police, leading to the accused being released and the persons alleged to be involved in the fabrication were suspended or arrested.

However, before the SIT’s findings and the accused’s release, Siddharth’s father consumed poison and died, leaving a note alleging his son had been falsely implicated. The case starkly illustrates how delayed corrective action can arrive too late to prevent irreparable human damage—stigma, family breakdown and suicide.

- **Mental health and irreversible harm:** The accused commonly experiences PTSD, depression and social withdrawal. There are several tragic instances where accused persons or family members took their lives while waiting for justice as seen in the aforementioned case showing how corrective investigations, even when they eventually vindicate the accused, can arrive too late to prevent irreparable damage.
- **Professional and Financial Impact:** Employment disruption is frequent and immediate: accused individuals are often suspended or dismissed as employers seek to avoid reputational risk.

Government employment eligibility, professional certifications, and future hiring prospects are jeopardized; re-integration after acquittal is difficult because digital traces, news articles

¹³ *Siddhartha Tiwari & Ors. v. State of Madhya Pradesh & Ors.*, SLP (C) Diary No. 19097/2025, Supreme Court of India (Apr. 22, 2025)

and social posts persist. Legal defence costs, lost wages, and extortion payments (where blackmail is involved) can deplete family savings and ruin livelihoods.

The *Santhosh v. Priyanka & Ors (2020)*¹⁴ case demonstrates the scale of such disruption. Santhosh was criminally charged in October 2009 with alleged sexual offences, spent 95 days in custody and endured a prolonged trial. Subsequent DNA testing on the child that was supposedly the result of such sexual offences excluded him from paternity and he was acquitted in 2016.

Santhosh then sued the complainant(s) and others for malicious prosecution, defamation and damages, claiming reputational harm, pecuniary loss, legal costs and interruption of his studies and career. Civil Court found that the woman and her parent(s) had maliciously initiated the prosecution awarding Santhosh 15 lakh rupees in damages.

Although the award recognises tangible losses, the case underscores that monetary relief rarely restores lost time, interrupted education, or the full long-term career impact suffered during and after prosecution.

- **Disparity in Punishment:** While falsely accused individuals lose years of livelihood, reputation and well-being, false accusers when punished typically face limited sentences or fines and are rarely required to compensate fully for the damage caused. The asymmetry underscores the inadequacy of current safeguards and the difficulty of translating legal victory into social and economic restoration.

6. Suggested Remedies

Practical remedies must be implemented to balance two urgent goals: protecting survivors of sexual violence and preventing the misuse of sexual-offence laws that causes irreversible harm to the falsely accused.

- **Certificate of Exoneration:** A brief, court-decreed ‘Certificate of Exoneration’ issued automatically on acquittal/quashing would be conclusive proof of innocence to demonstrate to employers, banks, licensing authorities, platforms and media. Its legal standing would trigger an administrative presumption in favour of the acquitted

¹⁴ Santhosh @ Sathiyar v. Priyanka & Ors., O.S. No. 1243/2019 (C.S. No. 127/2017), City Civil Court, Chennai, XVIII Additional Judge, Jan. 23, 2020

individual, forcing authorities have to take it into account and provide written reasons if they continue to act adversely.

- **Ex parte expunction / sealing of non-conviction records at a fast-tracked pace:** An automatic sealing or “non-public” designation for FIRs, charge-sheets, and court-file indexes in cases resulting in acquittal would substantially reduce online discoverability and the long-term stigma of accusation. Sealing would remain subject to judicial discretion wherever public interests—such as serial offending or public security—are implicated.
- **Mandatory Correction Rule for Media Outlets:** Media outlets should be strongly advised to follow the principle of ‘innocent until proven guilty’ while reporting all cases. If an individual is acquitted, media houses reporting the charge should be mandated to issue a correction/clarification of similar prominence, rectifying the public record and reducing reputational harm. Enforcement may emanate from Press Council orders or court orders.
- **Anti-discrimination stance at Workplace:** The court cannot force an employer to rehire an employee who was fired after being accused of a crime. However, it can mandate that employers conduct a fair, time-bound inquiry giving serious documented consideration to a court-issued “certificate of exoneration”, therefore allowing reinstatement in cases of wrongful termination.
- **Civil and Criminal Judicial Remedies:** Persons falsely accused have the legal option of claiming damages for defamation in civil court or filing charges for malicious prosecution or perjury, if the malicious intentions of the fabrications are proven. The judiciary should permit fast-tracked, evidence-screened channels for such counter-claims so that successful acquittal actually serves to reverse social harm.

7. Conclusion

The study of false rape allegations highlights an urgent but neglected dimension of criminal justice in India. Sexual violence remains a pervasive social reality that demands uncompromising protection for survivors; at the same time, complaints later shown to be malicious or fabricated can inflict serious, lasting harm on the accused and therefore merit

Careful, impartial attention. The law, in its current form, often exposes innocent individuals to prolonged stigma, incarceration, and socioeconomic ruin, while providing only limited remedies after acquittal.

A balanced approach is therefore essential. Investigative safeguards such as time-limited FIR triage, rapid forensic response, and oversight of extortion-related misuse must coexist with strong survivor protections. Courts and media must preserve the presumption of innocence until guilt is proved, while malicious prosecutions should attract meaningful consequences.

Ultimately, the integrity of rape law depends on public trust. That trust cannot be preserved if genuine victims fear disbelief or delay, nor if innocent individuals continue to be destroyed by false charges.

How long will we continue to accept the social imbalance where an accusation can shatter a person's life in a second, but exoneration takes a decade?

Only when society acknowledges false accusations as a distinct and serious social harm, deserving proportionate legal safeguards, will justice be able to protect both survivors and the innocent.

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