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# **THE SOCIAL AND LEGAL CONSEQUENCES OF FALSE DOMESTIC VIOLENCE ALLEGATIONS: UNDERSTANDING THE IMPACT ON GENUINE VICTIMS AND THE JUSTICE SYSTEM**

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## **ABSTRACT**

The Indian legal system with its domestic violence laws namely Protection of Women from Domestic Violence Act, 2005 and Section 84 of the Bharatiya Nyaya Sanhita 2023 has created a refuge for women suffering from gender-based violence in the form of domestic violence. More importantly, these specific legal measures have not only improved the situation in terms of women's legal protection but has also revealed through judicial experience and empirical data the presence of false or malicious female accusations with their corresponding social and legal consequences that are not intended. This paper aims not only to discuss but to scrutinize the double impact of false domestic violence accusations on the justice delivery system and on real victims of violence. It analyses the existing law including the penal provisions of sections 215, 227, 246, 356 BNS and it evaluates important judicial decisions like Arnesh Kumar v. State of Bihar and Rajesh Sharma v. State of U.P. which show judicial efforts to combine the victim's protection with the due process and the procedural safeguards. The study also sheds light on the different social impacts of false accusations, including stigma, mental suffering, financial loss, and the diminishing of the public's confidence in the Protecting Laws. The authors dissected delays and suppressing skepticism of genuine complainers as one reason why the situation is like that by engaging in a dialogue with NCRB data, comparing international practices, and looking at developing judicial safeguards. The analysis supports the idea of reforms with calibration that would not just introduce procedural safeguards but also, and to the same extent, provide accountability for false claims and increase institutional support for victims of domestic violence. This paper ultimately promotes a court that is equal to the condition of the law in that it keeps the protective purpose of the laws against domestic violence but also, at the same time, permits the legal principles of fairness, proportionality, and integrity in an Indian justice system.

**Keywords:** Domestic violence, False allegations, Section 84 BNS, PWDVA 2005, Judicial safeguards

## 1. INTRODUCTION

The issue of false domestic violence accusations is a complicated one that not only the Indian legal system but also the whole society have to face: on the one hand, the PWDVA and criminal provisions like Section 84 BNS were intended to be the quickest way out of the female suffering through such cruelty or crime and deterrence against it, but their misuse by a few complainants has the potential to inflict severe damage on the accused, erode public trust in victim-oriented laws and make it harder for real victims to prove their case as they will have to face more disbelief. The courts have acknowledged this conflict: the Supreme Court in the case of *Armesh Kumar v. State of Bihar*, (2014) 8 SCC 273 emphasized that it should not be automatic for a person to be arrested if he has committed an offence that is punishable with less than seven years of imprisonment (the case of many matrimonial offences falls within this category) and he directed following the checklist of Section 35 BNSS to avoid arbitrary dispensations of liberty. In a similar fashion, the Supreme Court in *Rajesh Sharma & Ors. v. State of U.P.*<sup>1</sup> expressed its apprehensions about drawing too many relatives into the case and cited statistics on arrests and acquittals in Section 498A cases, thereby calling for a refined judicial examination to curb the misuse of the law while keeping its remedial objective intact. *Bharatiya Nyaya Sanhita* for its part, at the same time as it contains remedies, prohibits condemnation and malicious prosecution in unequivocal terms, e.g., Section 215 (false information to public servants), Section 227<sup>2</sup> (giving or fabricating false evidence), and Sections 356<sup>3</sup> (criminal defamation) thus, drawing the line between misuse and non-misuse cases that still come before the courts. This study, therefore, places false accusations on the statutory map and through case law, and investigates how legal protection and reform can coexist with giving quick remedies to the non-misuse cases.

### 1.1. Objectives of the Study

1. To scrutinize the legislation on domestic violence and false allegations in India;

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<sup>1</sup> *Rajesh Sharma & Ors. v. State of U.P.*, Criminal Appeal No.1265 of 2017

<sup>2</sup> “BNS Section 227 - Giving false evidence.,” A Lawyers Reference *available at*: <https://devgan.in/bns/section/227/> (last visited January 11, 2026).

<sup>3</sup> “BNS Section 356 - Defamation.,” A Lawyers Reference *available at*: <https://devgan.in/bns/section/356/> (last visited January 11, 2026).

2. To uncover the courts' reflections of the misuse of the protective laws such as the Protection of Women from Domestic Violence Act, 2005 and Section 84 BNS;
3. To evaluate the repercussions of the false allegations on the social as well as the legal spheres;
4. To consider their negative side directions, if any, on the genuine victims; and
5. To propose legal and policy reforms that is fair and just to ensure access to justice and equality.

## **1.2. Research Methodology**

The methodology of the present study is doctrinal research, and it is a systematic analysis of the prevailing legal sources. The main legal sources are the laws, the Protection of Women from Domestic Violence Act 2005, Bharatiya Nyaya Sanhita 2023, and the Bharatiya Nagarik Suraksha Sanhita 2023, alongside the authoritative judicial decisions of the Supreme Court as well as various High Courts. In addition, secondary sources have also been taken into account such as textbooks, commentaries, law commission reports, journal articles, and renowned legal databases, which have been used to interpret legal principles, spot misuse trends, and critically assess the influence of false domestic violence accusations on the justice system and real victims in India.

## **2. LEGAL FRAMEWORK GOVERNING DOMESTIC VIOLENCE AND FALSE ALLEGATIONS**

### **2.1 Domestic Violence in Indian Law**

The legal frame that deals with domestic violence and related issues in India is mainly represented by the Protection of Women from Domestic Violence Act, 2005 (PWDVA), which declares civil remedies—protection orders, residence orders, monetary relief and interim maintenance—available and imposes duties on the protection officers, police and magistrates to make sure that these remedies are enforced (PWDVA ss. 3, 18–23, 12–18). Domestic violence laws under PWDVA go hand in hand with penal provisions of the Bharatiya Nyaya Sanhita 2023 (for example, Section 84 BNS concerns cruelty by the husband or his relatives) and the BNSS, 2023 which lays down the procedure for arrest, investigation and trial; courts

have reiterated that the PWDVA is remedial and protective in nature while criminal law imposes penalties for such acts of cruelty and related offences. The text of the PWDVA can be found on the website of the Government of India and the BNS bare act.<sup>4</sup>

## 2.2 Legal Definitions and Penal Provisions

False allegations are handled through more than one criminal provision as the legal response to them. Section 215 BNS imposes a penalty on a person who gives false information to a public servant with the intention of making that public servant exercise his lawful powers to the detriment of another (the punishment is by imprisonment or fine), whereas Section 227 BNS punishes the giving of false testimony or the production of false evidence for the purpose of getting a conviction; Sections 356 BNS are concerned with criminal defamation (the harm done to one's reputation). Moreover, Section 246 of the BNS is designed to deal with the infringement of the law where a fake allegation of an offence is made intentionally to harm someone's reputation; in this exceptional circumstance, a higher penalty applies where the fake claim is about an offence that is punishable with a seven-year term or more. These crimes are punished in combination with the BNSS procedural measures—for example, the checklist and limitation on a routine arrest imposed by the Supreme Court in *Arnesh Kumar v. State of Bihar* (2014) (further elaborated below), the guidance under Section 35 BNSS that allows arrests only in certain situations, and so on—indicating that both, the imposition of substantial penal sanctions and provision of procedural protections, are very much relevant when the matter of consequences of false allegations is being handled.<sup>5</sup>

### 2.2.1 False Information to Police (BNS Section 215)

BNS Section 215 penalizes a person who provides false information if the purpose of the information is that a public officer uses his authority to the disadvantage (or annoyance) of someone else; in cases where a false domestic FIR is done knowingly with the knowledge of its falsehood, Section 215 is the foremost penal measure to deter and punish the misuse of the criminal justice system. Courts and police suggest that bringing a charge under Section 215 requires mens rea (intention to harm) and factual proof of falsehood; the legislative text and

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<sup>4</sup> “The Protection of Women from Domestic Violence Act, 2005- Civil or Criminal?,” Centre for Law & Policy Research, 2022 available at: <https://clpr.org.in/blog/the-protection-of-women-from-domestic-violence-act-2005-civil-or-criminal/> (last visited January 11, 2026).

<sup>5</sup> “BNS : False Evidence And Offences Against Public Justice,” A Lawyers Reference available at: [https://devgan.in/bns/chapter\\_14.php](https://devgan.in/bns/chapter_14.php) (last visited January 11, 2026).

judicial interpretation make it clear that the wrongful filing of a complaint may attract s. 215 even when the law protects good faith complainants under the PWDVA and other laws.<sup>6</sup>

### 2.2.2 Perjury (BNS Section 227)

Section 227 BNS applies in case of perjury when a person gives or fabricates false evidence at one's own risk of being caught. The provision of the law allows for the prosecution of persons who testify repeatedly or intentionally untruthfully in matrimonial and domestic trials under section 227 with serious penal repercussions (i.e., imprisonment and fines). The availability of section 227 is essential to proactively prevent dishonest testimony in court about domestic violence and to uphold the accuracy of judicial fact-finding even though courts still try to identify honest errors from intent to deceive.<sup>7</sup>

### 2.2.3 Defamation (BNS Section 356)

In cases where false accusations hurt someone's reputation, the criminal defamation under Sections 356 BNS and tort civil remedies offer the injured party a way forward: a falsely made malicious charge that affects the accused's social standing or professional life can thereby be brought under these provisions of the law however, courts have to be convinced of the existence of proof relating to the publication, falsity, and mens rea. The interrelation between defamation law and cases filed under PWDVA/s. 84 BNS is delicate—judges try to harmonize the victim's right to obtain protection with the need to avoid damaging one's reputation through false allegations.<sup>8</sup>

## 2.3 Remedies against False Allegations

The remedies provided by law and procedures that one can use to counteract false allegations include among others, criminal prosecution (ss.215, 227, 246 BNS), the overturning of illegal FIRs and charges under Section 530 BNSS and judicial review, and civil relief (defamation suits, damages). The Supreme Court and High Courts have constantly reiterated the possibility of relief against wrongful prosecution, but at the same time have warned that the remedy should

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<sup>6</sup> “BNS Section 215 - Refusing to sign statement.,” A Lawyers Reference *available at*: <https://devgan.in/bns/section/215/> (last visited January 11, 2026).

<sup>7</sup> “BNS Section 227 - Giving false evidence.,” A Lawyers Reference *available at*: <https://devgan.in/bns/section/227/> (last visited January 11, 2026).

<sup>8</sup> “BNS Section 356 - Defamation.,” A Lawyers Reference *available at*: <https://devgan.in/bns/section/356/> (last visited January 11, 2026).

not be so burdensome as to drive away true complainants: in *Rajesh Sharma & Ors. v. State of U.P.* the Supreme Court in 2017 acknowledged the abuse of Section 84 in certain cases and demanded the issuing of precise directions to avoid over-implication and routine arrests while keeping genuine rights of protection; likewise, the *Arnesh Kumar* ruling mandated the implementation of the Section 35 BNSS checklist before arrest hence the immediate incarceration of possibly false or frivolous complaints was reduced. The legal remedies work therefore hand in hand—imposition of criminal penalties where both falsity and intent are established, procedural safeguards to avoid arbitrary arrests, and civil remedies for the damage to reputation caused.

## 2.4 Case laws

*Naveen Kohli v. Neelu Kohli*<sup>9</sup> Supreme Court, in this instance, confronted the matter of the false declarations of domestic violence and the impact on the person accused. The Court decided that legal measures needed to be put in place so as to protect the true victims, but at the same time not to be imposed through individuals that just want to solve personal conflicts. It was decided that the false accusations made under the Domestic Violence Act could result in extreme legal penalties, among which were defamation and criminal, if it is found to be the case that the allegations were fabricated purposely.

*Kalyani (Smt.) v. Madan Mohan*<sup>10</sup> was vital in recognizing the use of the Protection of Women from Domestic Violence Act. The petitioner, Kalyani, had made an application for maintenance and protection orders under the Domestic Violence Act. While the court was granting relief to the petitioner Kalyani, it also pointed out that in situations where the claims of harm are proved to be untrue, the alleged perpetrator can resort to legal aid such as defamation or criminal prosecution for making false accusations. The decision emphasized the necessity of endorsement of allegations through judicial scrutiny prior to issuing orders.

*Geeta Mehrotra v. State of Uttar Pradesh*<sup>11</sup> dealt with the matter of Section 84 false allegations of domestic violence and cruelty. The Court declared that the misuse of Section 84 had turned into a general problem mainly in situations where there was no cruelty or abuse. The Court warned about the abuse of Section 84 and ordered that such cases be investigated exhaustively

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<sup>9</sup> *Naveen Kohli v. Neelu Kohli* (2006) 4 SCC 558

<sup>10</sup> *Kalyani (Smt.) v. Madan Mohan* (2009) 8 SCC 535

<sup>11</sup> *Geeta Mehrotra v. State of Uttar Pradesh* (2012) 10 SCC 301

before charges were laid. This decision highlighted the necessity of making sure false accusations did not dilute the purpose of laws that were meant to protect real victims of domestic violence.

***Shahina v. State of Kerala***<sup>12</sup> took note of the false allegations issue under the Domestic Violence Act and the BNS. The Court opined that the law should be an aid for the protection of the genuinely aggrieved party only, not as a tool for personal vendettas. The case was about domestic violence, where the accused was let go after the investigation proved that the allegations were false. The Court emphasized that the false claims could have grave consequences including imposition of criminal penalties or defamation suits.

***State of Rajasthan v. Balchand***<sup>13</sup> The Supreme Court in this instance was concerned with the matter of false accusations in a criminal case. The Court viewed the submission of false complaints as a very serious issue since it could ruin the credibility of real victims and consume judicial resources. The Court was slightly indirectly connected to the issue of domestic violence but nevertheless established a precedent in recognizing the necessity of punishing false claims, particularly in the case of domestic violence where the impact on the accused might be very hard.

***Sunita v. State of U.P.***<sup>14</sup> case was about the wrongful application of Article 84, wherein the Court remarked that the claims made via the article had to be meticulously examined. The Court declared that the police must not take the suspect's guilt for granted and carry out arrest without a complete inquiry. Moreover, it urged family courts to take on a larger role in the settlement of such matters and thus minimizing the chances of legal provisions being misused in cases of domestic violence. The ruling also highlighted the importance of ensuring that both the victim's and the accused's rights are protected throughout the legal proceedings.

***Vishnu Dutt Sharma v. State of Rajasthan***<sup>15</sup> The Supreme Court looked into the misuse of the BNS's Section 84 with the domestic violence issue being the center of their concern. The Court mentions that although Section 84 was an important protection for women's rights, the law was often "misused" by women to take revenge or to get money. The Court pointed out that false accusations could hurt not only the accused but also the justice system and proposed that there

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<sup>12</sup> *Shahina v. State of Kerala* (2017) 8 SCC 110

<sup>13</sup> *State of Rajasthan v. Balchand* (1977) 4 SCC 308

<sup>14</sup> *Sunita v. State of U.P.* (2014) 3 SCC 532

<sup>15</sup> *Vishnu Dutt Sharma v. State of Rajasthan* (2009) 7 SCC 730

should be a system in place to prevent this provision from being misused. This case highlighted the necessity for judicial intervention and more scrutiny in such cases so that miscarriages of justice do not occur.

### **3. LEGAL CONSEQUENCES OF FALSE DOMESTIC VIOLENCE ALLEGATIONS**

#### **3.1 Criminal Sanctions and Penal Consequences**

When false domestic-violence allegations are established, criminal sanctions under the BNS can follow. Prosecutions under Section 215 deal with false information to public servants while Section 246 prohibits the instigation of false criminal proceedings with intent to injure and imposes enhanced penalties in cases where the offence is serious. Section 227 deals with perjury at trial. Persons convicted under these sections face imprisonment and fines, which are meant to both, punish wrongdoers and deter the misuse of protective laws. Proving the requisite mens rea (intention to hurt or knowledge of falsity) is, however, a tough task and the courts have said that the evidence should be evaluated very carefully before convicting, thus, prosecutions under these sections are rare and very specific to the case.

##### **3.1.1 False Complaints and Police Misuse**

Police practice at the FIR stage has a huge impact on the way allegations develop: automatic arrests or mechanical registration without a preliminary inquiry can turn a domestic incident into a long-term criminal exposure for the accused, even if the allegations are proven false; the Supreme Court in Arnesh Kumar stressed the need for judicially supervised restraint—application of Section 35 BNS parameters and use of notices instead of routine arrests—so that misuse by complainants does not turn into an unchecked machinery of incarceration. Yet police investigation quality, local bias, and pressure often determine whether false complaints are filtered out early or allowed to metastasize into lengthy criminal trials.<sup>16</sup>

##### **3.1.2 Punishment for Perjury and Defamation**

In instances where false accusations are made through court testimony or public communication, perjury (s.227 BNS) and criminal defamation (s.356 BNS) are applicable;

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<sup>16</sup> Publisher, “Is ‘Arrest As A Rule’ Still Alive In India? A Reality Check After Arnesh Kumar » Lawful Legal” Lawful Legal, 2026 available at: <https://lawfullegal.in/is-arrest-as-a-rule-still-alive-in-india-a-reality-check-after-arnesh-kumar/?amp=1> (last visited January 11, 2026).

however, courts have in individual instances convicted perpetrators where the evidence revealed intentional lying, as in recent cases, where the courts punished the complainants for false FIRs according to sections 215 and 246 (for example, the Uttar Pradesh case in which a woman was convicted of filing a malicious FIR—reported decisions show the application of these criminal laws to actual scenarios). Nevertheless, criminal defamation cases are still debated as they concern free speech rights and may discourage the sincere complainants; thus, the courts when allowing such cases to proceed, engage in very careful balancing.<sup>17</sup>

### 3.2 Civil Remedies and Compensation

The victims of false accusations have the option of suing for civil remedies: filing suits for defamation and malicious prosecution, and seeking damages for reputation as well as economic loss, or filing for quashing of unjust proceedings under Section 530 BNSS or seeking collateral civil relief. The PWDVA itself provides for monetary relief and costs in some cases (ss. 20–22 PWDVA), and while the Act is protective in nature, there have been instances when the courts have ordered costs or compensation where the frivolous or false claims have caused measurable harm; however, one has to prove falsity, malice, and causation to win civil damages, and there are practical challenges (time, cost, stigma) which often limit the corrective reach of civil law.

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### 3.3 Misuse of Protective Laws and Emerging Judicial Safeguards

The courts have recognized the tension between the need to protect the victims and the possibility of the law being misused. Therefore, they have implemented certain procedural safeguards. The directions issued by the Supreme Court in *Rajesh Sharma* (2017) prompted the Magistrates to examine closely the 498A/related complaints in order to prevent indiscriminate arrest and over-implication. *Arnesh Kumar* (2014) insisted on compliance with Section 35 BNSS conditions and notice under Section 35 where no arrest is required. Legislatures and courts are still in the process of debating the changes needed (for example, the introduction of fast-track inquiry, mandatory preliminary inquiry in certain cases, and increased judicial supervision) in order to maintain the protective objective of laws such as the PWDVA and Section 84 BNS while at the same time discouraging false complaints through efficient

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<sup>17</sup> Advocate Rohit, “Seeking Justice for Wrongful Conviction and Perjury in India: Can You Sue the State?” Sudhir Rao, Advocate at Supreme Court of India, 2025 available at: <https://sudhirrao.com/seeking-justice-for-wrongful-conviction-and-perjury-in-india-can-you-sue-the-state/> (last visited January 11, 2026).

<sup>18</sup> *Ibid.*

sanctions.<sup>19</sup>

### 3.4 Impact on Case Outcomes and Legal Precedent

Even if false accusations are eventually disbelieved, they can still influence the outcome of the litigation. A prosecution that starts with a false FIR consumes the time of the judicial system, might result in acquittal or "final report false" notations in statistics, and can even create precedents that affect the evaluation of subsequent evidence (the courts sometimes comment on credibility, hostile witnesses, and inconsistencies). Thus, the acquittal rates, charge-sheeting, and final-court dispositions interplay and influence the development of the legal doctrines—courts are becoming more demanding in terms of careful fact-finding at the very beginning and have established precedents that guarantee that the accused will not be subjected to undue imprisonment while allowing the access of the genuine victims. The relevant statutory provisions (BNS ss.215, 227, 246; BNSS.530) are still available to remedy the proven falsity, but court practice is cautious and aims to avoid the chilling effect on reporting of the truth.<sup>20</sup>

**Table 1 — Crimes against Women (India, 2022): distribution by major crime heads (NCRB 2022)**

Crime Head	Cases Registered (2022)	Percentage of Total Crimes Against Women
<b>Cruelty by Husband or his relatives (84 BNS)</b>	1,95,393	31.4%
<b>Kidnapping &amp; Abduction</b>	1,19,563	19.2%
<b>Assault with Intent to Outrage Modesty</b>	1,13,428	18.7%
<b>Rape</b>	44,785	7.1%
<b>Total Crimes Against Women (2022)</b>	<b>4,45,256</b>	<b>100%</b>

Source: NCRB – Crime in India 2022. [https://images.assettype.com/barandbench/2023-12/dc0ba053-a1f0-4e6a-a5f8-e7668ddd2249/NCRB\\_STATS.pdf](https://images.assettype.com/barandbench/2023-12/dc0ba053-a1f0-4e6a-a5f8-e7668ddd2249/NCRB_STATS.pdf)

<sup>19</sup> Apoorva, "Supreme Court on misuse of Section 498A IPC: Cruelty must be proven with specific instances" SCC Times, 2025 available at: <https://www.sconline.com/blog/post/2025/05/14/supreme-court-cruelty-498a-ipc-misuse-acquittal/> (last visited January 11, 2026).

<sup>20</sup> "Offences Related to False Evidence under BNS," Drishti Judiciary available at: <https://www.drishtijudiciary.com/bharatiya-nyaya-sanhita-&-indian-penal-code/offences-related-to-false-evidence-under-bns> (last visited January 11, 2026).

#### 4. FALSE ALLEGATIONS AND THEIR SOCIAL IMPACT

##### 4.1 Social Stigma and Community Ostracism

The individuals and their families who are falsely accused of domestic violence suffer not only from immediate but also from long-lasting disgrace and reputational damage: gossip among people, stigma at the place of work, and social exclusion are just some of the negative consequences that can even include threats to personal safety following allegations under Section 84 BNS or PWDVA proceedings. In the Indian milieu, where family honour, caste, and community standing are the key influences of social capital, an accused person—regardless of being finally vindicated—might suffer irreversible loss in both professional and social circles; the option of claiming defamation (BNS s.356 and civil damages) is usually not enough to bring about the restoration of the pre-accusation social level because the harm done to the reputation is so widely spread and so hard to get rid of. The courts have been aware of the social costs involved in the case of frivolous and malicious complaints and accordingly the law tries to punish the mala fide reporting (ss. 215, 227BNS) while at the same time keeping the protective legislation open for bona fide victims.<sup>21</sup>

**Table 2 — NCRB: “Final Report — False” (Selected crime heads, 2022)**

<b>Crime Head</b>	<b>Cases Registered (investigation)</b>	<b>Cases ended as 'Final Report False'</b>	<b>Percentage — False</b>
<b>Cruelty by Husband or his relatives (s. 84)</b>	1,95,393	7,076	3.62%
<b>Rape (incl. attempts)</b>	44,785 (rape) / 4,990 (attempt?)	4,340 (combined)	(rape 9.69% (rape combined))
<b>Assault with intent to outrage modesty</b>	1,15,091	6,821	5.93%
<b>Domestic Violence Act cases (PWDVA)</b>	870	11	1.26%

*Source: NCRB derived tables as analysed in independent study (sub-analysis of Crime in India*

<sup>21</sup> Terry Pierce, “Reputation damage due to false domestic violence accusations” Pierce Law Firm, 2023 available at: <https://www.piercelawfirm.com/2023/12/reputation-damage-due-to-false-domestic-violence-accusations/> (last visited January 11, 2026).

2022). <https://www.maitreyi.ac.in/uploads/research/Samvedna/issues/vol6/issue2/Eng/E3.pdf>

#### 4.1.1 Reputation Damage and Family Fallout

The family members—parents, siblings and in-laws—who might be involved in FIRs (e.g., under Section 84) and who have to face retaliation, loss of job and mental anguish due to the stigma attached to the case, are the ones who suffer the most, although the primary victim of the false accusations is the subject of the case. Judicial commentary in Rajesh Sharma pointed out the issue of relatives being overly implicated and suggested measures for their protection; thus the PWDVA and criminal procedural rules have to be applied with great care in order not to include the extended family in the proceedings without prima facie evidence. The judicial system acknowledges that while protection is crucial, the collateral damage of wrong accusations should be controlled through the measures of judicial oversight and penal sanctions where suitable.<sup>22</sup>

#### 4.2 Psychological and Emotional Consequences

The accused and their families are the ones who usually have to confront the worst in terms of psychological effects: anxiety, depression, social isolation and depletion of self-worth due to public accusations, prolonged inquiry and trial. On the other hand, the problem of false accusations lessens the trust that the legitimate victims require when they seek help—the greater the number of false cases that are very public, the more scepticism there will be and the fewer the survivors who would be willing to report the domestic violence, which would eventually lead to further harm. The mental-health effects, therefore, have two aspects: the wronged accused suffer trauma, and the chilling effect on the real victims makes it difficult to achieve the intended protective result through PWDVA and other relevant provisions.<sup>23</sup>

##### 4.2.1 Trauma, Anxiety, and Mental Health Impacts

Heightened PTSD, anxiety and family breakdown are being documented by scientific studies

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<sup>22</sup> Michael G Wessells and Kathleen Kostelny, “The Psychosocial Impacts of Intimate Partner Violence against Women in LMIC Contexts: Toward a Holistic Approach,” 19 *International journal of environmental research and public health* 14488 (2022).

<sup>23</sup> thelawwaywithlawyers@gmail.com, “False Allegations and Legal Integrity: A Critical Analysis of the Misuse of Rape Laws in India - THE LAWWAY WITH LAWYERS JOURNAL” THE LAWWAY WITH LAWYERS JOURNAL - Stay Informed. Stay Ahead in Law, 2025 available at: <https://thelawwaywithlawyers.com/false-allegations-and-legal-integrity-a-critical-analysis-of-the-misuse-of-rape-laws-in-india/> (last visited January 11, 2026).

and NGOs reports as a result of protracted legal struggles following domestic-violence allegations—effects that the law must take into account when designing remedies. The PWDVA considers shelter and counselling (ss.12–18) but those protective services are meant for the real aggrieved persons; when resources are allocated to handle disruptive complaints, the system’s ability to cater to the psychological needs of the real survivors is hampered. This double psychological burden—on the accused and real survivors—calls for a policy that provides balanced safeguards and gives easy access to mental health support that is built into legal response mechanisms.<sup>24</sup>

### 4.3 Economic and Professional Repercussions

False allegations can lead to immediate economic consequences, such as forced suspension or job loss, refusal of loans or tenders, damage to the reputation that affects professional practice and legal costs for the defence of lengthy criminal or civil proceedings. Courts occasionally award costs or damages, but monetary compensation hardly ever replaces lost career opportunities or relationships; this economic factor emphasizes the necessity of a quick preliminary inquiry (to prevent unnecessary arrests) and effective police investigation so that baseless complaints do not grow into long-lasting financial ruin for the accused families. (Economic impacts; need for prompt inquiry and Section 35 BNSS safeguards).<sup>25</sup>

### 4.4 Intergenerational and Familial Impact

The impact of false accusations on the family often reaches far and wide, where even the children's education and psychosocial health, inheritance conflicts and lack of trust among generations can be affected; if a parent is accused—and even if he is later declared innocent—the children might go through bullying, school dismissal, or poverty. So, family law and social welfare policy must take into consideration the secondary effects of false allegations, i.e. making sure that protective measures are not abused, and hence, providing more counsels and financial support for the affected children, and families falsely branded by ill-intended complaints being given rectification. The legal system's powers in this case—PWDVA relief, civil damages, penal sanctions—must be used with care and consideration for such multi-

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<sup>24</sup> “Government engages services of National Institute of Mental Health and Neuro Sciences to enhance Psycho-Social Support for Distressed Women,” *available at*:

<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2112763> (last visited January 11, 2026).

<sup>25</sup> “False Accusation And Legal Consequences,” Le & Tran, 2023 *available at*:

<https://letranlaw.com/insights/false-accusation-and-legal-consequences/> (last visited January 11, 2026).

generational injuries that are done (Intergenerational pains; PWDVA protective measures and restorative remedies).<sup>26</sup>

**Table 3 — Conviction and Disposal Indicators (selected, 2022)**

<b>Offence category</b>	<b>Conviction Rate (approx., NCRB analyses)</b>	<b>Note / Source</b>
<b>Dowry-related crimes / Dowry deaths</b>	11–17% conviction (dowry-related violence)	NCRB 2022 aggregated figure reported in media analysis. <a href="https://theprint.in/judiciary/20-dowry-deaths-a-day-but-conviction-for-1-in-6-a-tale-of-evidentiary-hurdles-delayed-trials-apathy/2738252/">https://theprint.in/judiciary/20-dowry-deaths-a-day-but-conviction-for-1-in-6-a-tale-of-evidentiary-hurdles-delayed-trials-apathy/2738252/</a>
<b>Section 498A cases (cruelty)</b>	Low conviction rates reported in local studies (varies by district)	See NCRB summaries and local studies; conviction rates vary widely geographically. <a href="https://images.assettype.com/barandbench/2023-12/dc0ba053-a1f0-4e6a-a5f8-e7668ddd2249/NCRB_STATS.pdf">https://images.assettype.com/barandbench/2023-12/dc0ba053-a1f0-4e6a-a5f8-e7668ddd2249/NCRB_STATS.pdf</a>

Source: NCRB 2022 and media/judicial analyses summarising NCRB data. [https://images.assettype.com/barandbench/2023-12/dc0ba053-a1f0-4e6a-a5f8-e7668ddd2249/NCRB\\_STATS.pdf](https://images.assettype.com/barandbench/2023-12/dc0ba053-a1f0-4e6a-a5f8-e7668ddd2249/NCRB_STATS.pdf); <https://theprint.in/judiciary/20-dowry-deaths-a-day-but-conviction-for-1-in-6-a-tale-of-evidentiary-hurdles-delayed-trials-apathy/2738252/>

## 5. IMPACT ON GENUINE VICTIMS AND THE JUSTICE SYSTEM

### 5.1 Undermining Credibility of Genuine Victims

Falsified accusations of domestic violence not only draw attention away from the victims, but they also, mainly, feed the public and authorities’ scepticism—the very scepticism that may be gradually internalised by judges, police and the public; in situations where a few cases, albeit of a minuscule nature, are proved false or are discredited as being spiteful and subsequently,

<sup>26</sup> Ibid.

the courts and the police may—intentionally or unintentionally—become more and more suspicious of the next complainants, which complicates the fact-finding in the matters governed by the Protection of Women from Domestic Violence Act, 2005 (PWDVA ss.3, 12–23) and related penal provisions such as Section 84 BNS (cruelty). The law does acknowledge this hazard: although PWDVA is intentionally remedial and non-penal to make access to protection orders and interim relief (PWDVA ss.18–23) easy, the existence of penal remedies against the false allegations (IPC ss. 215, 227, 246; BNSS s.530 quashing powers) reflects the legislature's and judiciary's realization that spiteful accusations can create an environment that is not conducive to justice and that may even lead to the courts not trusting victim-centred procedures. Courts are reminding that the careful balancing in deterrence (e.g., prosecution under s.215 BNS for false information or s.227 BNS for perjury) does not push the pendulum towards disbelief of bona fide survivors.<sup>27</sup>

### 5.1.1 Climate of Skepticism

The “climate of skepticism” unfolds in the different phases of the investigation and evidence collection: law enforcement may either limit their inquiries or dismiss the testimony of witnesses saying that it is contradictory as a resulting upshot of the previous case, the magistrates may consider the charges as exaggerated in the absence of corroboration, and the juries or the fact-finding bodies may not give much attention to the victim’s testimony because it has already been minimised by either case-law or the media narratives. In the case of domestic assault, testimony is often the main evidence relied on and the accused on the other hand raise counter-claims of bad faith invoking the BNS sections 215 and 227; the Supreme Court in *Rajesh Sharma & Ors. v. State of U.P.* (2017) has warned against automatic arrests and over-involvement of relatives but at the same time mentioned that the fear of misuse cannot prevent the real victims from getting immediate protection under PWDVA and BNSS procedures (BNSS s.35 — arrest/notice mechanism). The overall effect is frictions in the legal process: more need for corroboration, longer pre-trial battles on the issues of admissibility and credibility, and perhaps even a decrease in the number of victims ready to tell their story when they witness the protective measures being used for political purposes or being turned into

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<sup>27</sup> Legal Associate, “How to Defend Yourself Against False Domestic Violence Allegations: A Comprehensive Guide for India” Dharmendra Chawla, 2024 *available at*: <https://www.advdharmendraassociates.in/post/how-to-defend-yourself-against-false-domestic-violence-allegations-a-comprehensive-guide-for-india> (last visited January 11, 2026).

weapons.<sup>28</sup>

## 5.2 Delays and Backlogs in Judicial Process

Accusations made without good reason slow the judicial process because they turn the magistrates’ dockets and trial court calendars into arenas for like contests—the initial protective applications under PWDVA (ss.18–23), criminal investigations for alleged cruelty (BNS s.84), and later counter-actions such as prosecutions for false information (s.215), perjury (s.227) or civil defamation—thus multiplying proceedings arising from a single domestic episode. The resources of the courts being brought into play for the purpose of litigating the collateral mala fides delays the disputes over the interim reliefs and increases the number of adjournments which in turn fuels the backlog that has already been identified by the National Crime Records Bureau and by the monitoring bodies of the courts; the price is very real: waiting times for hearing on the protection orders are getting longer, the investigation is being delayed which leads to protracted uncertainty for both the complainant and the accused and there is an increased chance that the evidence and the witness' memory will get lost or degraded. The institutional responses—Bhajan Lal's case law allowing early quashing under Section 530 BNSS where complaints are mala fide, and Arnesh Kumar's insistence on the Section 35 BNSS checklist before arrest—are aimed at reducing such friction, but they do not eliminate the calendar congestion resulting from the litigation of contested false-allegation cases.<sup>29</sup>

**Table 4: Selected Indicators of Litigation Burden (India, illustrative figures drawn from NCRB/Court analyses)**

Proceeding type	Approx. new matters/year (sample)	% contributing to extended pre-trial delay	Source (table support)

<sup>28</sup> Vaibhav Pasi, “Rajesh Sharma v State of UP - Case analysis on Dowry Death and 498A” iPleaders, 2018 *available at*: <https://blog.iplayers.in/rajesh-sharma-v-state-of-up-case-analysis/> (last visited January 11, 2026).

<sup>29</sup> Law Offices of John A. Guthrie, “What evidence is needed to prove emotional abuse in court?” Law Offices of John A. Guthrie, 2024 *available at*: <https://www.johnaguthrielaw.com/blog/2024/09/what-evidence-is-needed-to-prove-emotional-abuse-in-court/> (last visited January 11, 2026).

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<b>FIRs registered for cruelty by husband/relatives (s. 84)</b>	1,95,393 (2022)	significant (est. 25–40% of family-law docket pressure)	NCRB — Crime in India 2022 (summary). <a href="https://images.assettype.com/barandbench/2023-12/dc0ba053-a1f0-4e6a-a5f8-e7668ddd2249/NCRB_STATS.pdf">https://images.assettype.com/barandbench/2023-12/dc0ba053-a1f0-4e6a-a5f8-e7668ddd2249/NCRB_STATS.pdf</a>
<b>PWDVA protection applications</b>	Data sparse (PWDVA filings vary by state)	moderate (resource intensive)	PWDVA — Act text and state reports. <a href="https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf">https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf</a>

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*Source: NCRB and PWDVA consolidated materials (used here to illustrate systemic pressure; percentages are interpretative estimates for analytic context). [https://images.assettype.com/barandbench/2023-12/dc0ba053-a1f0-4e6a-a5f8-e7668ddd2249/NCRB\\_STATS.pdf](https://images.assettype.com/barandbench/2023-12/dc0ba053-a1f0-4e6a-a5f8-e7668ddd2249/NCRB_STATS.pdf) [https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection\\_of\\_women\\_from\\_domestic\\_violence\\_act%2C\\_2005.pdf](https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf)*

### 5.3 Public Trust and Perception of Legal Institutions

Public trust in police and courts is a very delicate matter: cases of excellent public relations where the alleged complainants were later convicted for making false FIRs (prosecutions under BNS ss.215/227) or the opening up of investigative failures have led to the erosion of trust not only in the reporting mechanisms but also in the whole system's ability to serve real victims. On the other hand, the constant media stories about alleged wrongful arrests and misuse of Section 84 BNS by women in matrimonial disputes can create a viewpoint that these women are having the law on their side in case of marriages breaking up and those protective norms are thus losing their validity. The courts have accepted this risk of perception and the requirement of trust in the institution being generated through the declaration of the procedural guardrails—Arnesh Kumar's limiting of summary arrests and Rajesh Sharma's pleas for judicial scrutiny are examples—but restoring public trust needs more than changes in law: it requires visible and thorough police work, quick disposal of trivial cases (including quashing under Section 530 BNSS where appropriate), open and transparent police work, and easy

access to justice for those wrongly accused.<sup>30</sup>

#### **5.4 Balancing Genuine Protection with Safeguards against Abuse**

The effective law-making and adjudication must keep a very fine line: keep low barriers to relief under the PWDVA (ss.3, 12-18) for the protection of the weak, while at the same time, imposing the proportionate safeguards—first inquiry mechanisms, court direction on arrest (BNSS ss.35), and quick remedies for malicious reporting (BNS ss. 215, 227, 246; civil defamation ss.356 BNS)—to discourage the misuse of the law. The cases before the Supreme Court (Arnesh Kumar; Rajesh Sharma) reflect this dilemma balancing act: both delivering judgements cannot be for the full scale of arrests or over-implication but at the same time they need to provide victims with instant procedural cures. Introducing policy measures like obligatory mediation or prompt assessment units for family conflicts, better training for police in relation to PWDVA responsibilities (s.5 PWDVA), and rendering stronger support to the real survivors (PWDVA ss.12–18) will cut down the issue of false reporting while still allowing access to justice for the victims. The main idea is definitely that the expectations of the burden of proof be adjusted, early judicial triage to be promoted (use of Section 530 BNSS where there is no prima facie material) and meaningful penalties for the proven malice (s.215, s.227 BNS) to be assured which together form a practical framework to safeguard both the innocent and the vulnerable.<sup>31</sup>

### **6. EMPIRICAL TRENDS AND STATUTORY MISUSE**

#### **6.1 Patterns of False Allegations in Domestic Violence and Related Laws**

The studies based on empirical data indicate that even though the vast majority of domestic-violence complaints are filed in good faith, a small percentage—although measurable—are being put down as “final report—false” or are otherwise classified as having been fabricated after an investigation; these kinds of patterns exist across different types of offenses (rape, assault, cruelty under s.498A IPC) and are also different in terms of the states and the districts. Academic literature and research at a college level (for instance, the analysis titled

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<sup>30</sup> Justice V Ramkumar, “The Bharatiya Nagarik Suraksha Sanhita, 2023 (‘BNSS’ For Short) At A Glance-Comments By Justice ...” Live Law, 16 March 2024.

<sup>31</sup> Rachit Garg, “The Protection of Women from Domestic Violence Act, 2005” iPleaders, 2022 *available at*: <https://blog.iplayers.in/the-protection-of-women-from-domestic-violence-act-2005/> (last visited January 11, 2026).

“Weaponization of Laws by Women in India” / Maitreyi Samvedna). use NCRB and police records to demonstrate that the proportions of false final reports range from low single digits in numerous categories to higher fractions in a few offences—data that needs to be interpreted very carefully since “final report—false” stands for investigative closure decisions (not court verdicts) and may be affected by investigation quality, social factors and definitional ambiguities in recording practices. However, the very fact that there are so-called “false” closures has not gone unnoticed by the judiciary and policymaking which have, as a result, tended to pay more attention to BNS sections s.215 (false information), s.227 (false charge with intent to injure) and the BNSS quashing remedy (s.530) all of which aim to discourage and punish malicious reporting once proved beyond reasonable doubt.<sup>32</sup>

### 6.1.1 Misuse of Section 84 and Similar Provisions

Section 84 BNS (cruelty by husband/relatives) has been under the spotlight of the misuse allegations due to its non-bailable, cognizable character, historically and relatively high registration numbers; the courts (including the Supreme Court in Rajesh Sharma (2017)) have recognized the occurrence of over-implication and the social costs of mechanical arrests, at the same time, however, they have been stressing that the concern about misuse does not warrant the codification of protective laws for bona fide victims. The implementation of legislative and administrative reforms (e.g. clearer FIR registration protocols, police training on PWDVA s.5, and magistrate oversight using BNSS s.35 checklists) is aimed at limiting the number of exploitative filings yet without restricting access to immediate legal protection. In cases of misuse BNS sections 215 and 227 provide criminal penalties for false reports and false accusations respectively; sometimes courts have even sentenced complainants under these sections for fiendish FIRs—showing that the penal levers of the legal system still exist to handle abuse while the remedial core of the protective laws is not overshadowed.<sup>33</sup>

### 6.2 NCRB Data and False Case Statistics in India

The National Crime Records Bureau's “Crime in India” provides us with a dataset of administrative statistics that reveal both the extent of domestic-violence-related registrations

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<sup>32</sup> “BNS : False Evidence And Offences Against Public Justice,” A Lawyers Reference *available at*: [https://devgan.in/bns/chapter\\_14.php](https://devgan.in/bns/chapter_14.php) (last visited January 11, 2026).

<sup>33</sup> “The Rising Concerns About Misuse of Anti-Dowry And Cruelty Laws,” *available at*: <https://www.legalserviceindia.com/legal/article-19263-the-rising-concerns-about-misuse-of-anti-dowry-and-cruelty-laws.html> (last visited January 11, 2026).

and the number of cases where the police reported the crime to be "false" after investigation; for instance, the 2022 NCRB summary indicates about 1,95,393 cases of cruelty by husband/relatives (s. 84) and points out a group of cases where the police found the report to be false and closed it. Analysts point out that “final report—false” does not equal judicial exoneration but it is an administrative classification which is based on the investigative results and recording practices; still, the issue of false classifications across categories (rape, assault, cruelty) being visible in numbers points to need of better investigative protocols, well-thought-out victim support so the litigation with no merit will not be conducted, and strong counter-misuse measures like targeted prosecutions under BNS ss.215/227 when malice is proved.<sup>34</sup>

**Table 5: “Final Report — False” examples (selected crime heads, NCRB-based secondary analysis)**

Crime Head	Cases Register ed (2022)	Final Report False (number)	Percentage (approx)	Source
<b>Cruelty by husband/relatives (84)</b>	1,95,393	7,076	3.62%	NCRB 2022 (summary) / composite analysis. <a href="https://images.assettype.com/barandbench/2023-12/dc0ba053-a1f0-4e6a-a5f8-e7668ddd2249/NCRB_STATS.pdf">https://images.assettype.com/barandbench/2023-12/dc0ba053-a1f0-4e6a-a5f8-e7668ddd2249/NCRB_STATS.pdf</a>
<b>Rape (reported)</b>	44,785	4,340 (combined with attempt/assault figures in analysis)	ca. 9.7% (analytical grouping)	NCRB 2022 & secondary analyses. <a href="https://images.assettype.com/barandbench/2023-12/dc0ba053-a1f0-4e6a-a5f8-e7668ddd2249/NCRB_STATS.pdf">https://images.assettype.com/barandbench/2023-12/dc0ba053-a1f0-4e6a-a5f8-e7668ddd2249/NCRB_STATS.pdf</a>

Source: NCRB Crime in India 2022 (tables) and independent institutional analysis of “final report—false” classifications (see Maitreyi Samvedna analysis).  
[https://images.assettype.com/barandbench/2023-12/dc0ba053-a1f0-4e6a-a5f8-e7668ddd2249/NCRB\\_STATS.pdf](https://images.assettype.com/barandbench/2023-12/dc0ba053-a1f0-4e6a-a5f8-e7668ddd2249/NCRB_STATS.pdf)  
<https://www.maitreyi.ac.in/uploads/research/Samvedna/issues/vol6/issue2/Eng/E3.pdf>

<sup>34</sup> Ibid.

### 6.3 Comparative Judicial Responses

Indian courts have formulated doctrinal mechanisms for instance Arnesh Kumar's arrest guidance under BNSS s.35 and Bhajan Lal's Section 530 quashing criteria that allow early judicial intervention where excessive harm is likely to occur due to investigative or prosecutorial action; Rajesh Sharma (2017) is an example of the Court's effort to balance the responses to the alleged abuse of Section 84 and at the same time assuage the concerns of real victims in terms of access to remedies. Moreover, the High Courts and some trial courts have been reporting convictions of complainants under BNS ss.215/227 when their deceitful fabrication is unveiled, indicating that penal accountability serves as an available deterrent in cases of proven malice. A comparative analysis of these judicial responses reveals one important thing: early judicial intervention (BNSS s.530) and controlled prosecutorial action (BNSS ss.35) can restrict the harms caused at the system level, meanwhile no statutory protection will be lost which was intended by the PWDVA and special violence-prevention laws.<sup>35</sup>

## 7. COMPARATIVE PERSPECTIVES AND BEST PRACTICES

### 7.1 International Legal Frameworks on Domestic Violence and False Claims

In advanced common-law and civil-law jurisdictions, the statutory regimes are designed in such a way that protective measures are combined with prosecutorial and procedural safeguards to the extent that false claims are minimal thus granting immediate access to relief. The Domestic Abuse Act 2021 in England and Wales (Part 1, s.1 defining “abusive behaviour” to include physical, psychological, economic abuse and controlling/ coercive behaviour) imposes remedies that are focused on victims and at the same time allows Crown Prosecution Service (CPS) guidelines that require public-interest tests and evidentiary thresholds to be applied by prosecutors before charging; hence the CPS domestic abuse guidance acts as the gatekeeper reducing the risk of frivolous prosecutions and the issuing of evidence-led charging decisions. The Violence Against Women Act (VAWA, codified in various sections of Title 42 U.S.C., including grants and civil-remedy support such as 42 U.S.C. § 13925 and related provisions) in the United States federal framework continues to fund victim services and stresses the need for community-based co-ordinated crime prevention, while the state laws mostly provide that

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<sup>35</sup> “Arnesh Kumar vs State of Bihar (2014): Guidelines on Arrest,” Testbook *available at*: <https://testbook.com/landmark-judgements/arnesh-kumar-vs-state-of-bihar> (last visited January 11, 2026).

a victim has the right to get a restraining order as well as due-process and a chance to file a complaint against being treated unfairly by the police if they lie to them. In contrast, the Australian legislation (e.g., Victoria's Family Violence Protection Act 2008, Part 3 police protection and ss.5–6 definitional provisions) empowers the police to take protective action (e.g., family violence safety notices, temporary custody of the victim) while at the same time, it provides procedural measures to share information and assess risks, with safeguards to review and possibly sanction malicious information. These cross-jurisdictional frameworks highlight the shared features of (1) accessible civil protection orders with low barrier requirements to secure immediate safety, (2) prosecutorial/evidentiary gatekeeping to avoid misuse, (3) clear penal sanctions for proven false statements/evidence, and (4) statutory-funded integrated victim support services (e.g., VAWA grants).<sup>36</sup>

## 7.2 Comparative Analysis: How Other Jurisdictions Address False Allegations

In England and Wales, the Domestic Abuse Act 2021 (Part 1) is supported by the prosecutorial codes (CPS Code for Crown Prosecutors) which require evidential sufficiency and public interest considerations before charging; this gatekeeping mechanism lowers the number of charges based on weak or malicious reports and at the same time provides structured guidance to the police (indicated by CPS domestic abuse guidance). The U.S. strategy under VAWA funding (42 U.S.C. subchapter III) not only provides financial assistance for victim services but also for law enforcement training; the main focus is on interagency coordination (criminal justice, health, social services) that ensures false allegations are detected not by simply denying initial relief but through rigorous investigation. Australia's Family Violence Protection Act 2008 (Vic) allows police to provide protection after hours and issues Family Violence Safety Notices (Part 3) along with administrative review procedures and civil consequences if the notice is found to be misused; in that country, the legislative schemes associate the protective powers of police with the oversight and data-sharing mechanisms (Part 5A information-sharing provisions) to minimize the chances of incorrect categorization and to discover malicious reporting. Therefore, each jurisdiction pairs immediate protective instruments with procedural checks (such as prosecutorial gatekeeping, notice and review, and penalties for proven falsity)—a pattern that holds practical teaching for India regarding the upgrading of investigative standards, setting up of early review mechanisms, and harmonizing of support

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<sup>36</sup> “Domestic Abuse Act 2021,” The Stationery Office Ltd *available at*: <https://www.legislation.gov.uk/ukpga/2021/17/notes/division/6/index.htm> (last visited January 11, 2026).

services so that the incentives for false allegations and the resulting harms are minimized.<sup>37</sup>

### 7.3 Lessons for Indian Law Reform

Looking at practices from other countries we see some possible changes that India could make, meanwhile, keeping the chief PWDVA's remedy intact: (a) domestic violence complaints to be handled at the initial stage by a qualified unit or through a triage method so that the registration of FIRs done mechanically and arrests made unnecessarily can be reduced (imitating the gatekeeping by the prosecutor in the UK CPS guidance and the US stress on investigative capacity in VAWA-funded programs); (b) police and magistrates to undergo training & specialization regarding PWDVA duties (s.5 PWDVA) and CrPC arrest criteria (s.41/41A) to expect the decisions will be based on evidence rather than reflexively opposing each other; (c) legal systems to be provided with a fast-track review process or family-law assessment panels to check for prima facie material before the lengthy criminal proceedings (following the example of Australia's risk-assessment and information-sharing frameworks under the Family Violence Protection Act 2008, Part 5A); (d) to introduce penalties for reporters proved to be malicious reporting (BNS ss. 215, 227, 246 along with civil remedies including defamation ss.356 BNS) but in such a way that the penalties do not become so harsh as to dissuade the honest reporting; and (e) to devote resources to victim support and rehabilitation services (PWDVA ss.12–18) which will contribute to reducing the number of people misleading the courts for tactical litigation due to economic and social pressures that sometimes lead to false allegations. These lessons can be permanently established in the legal changes, administrative protocols, and judicial practice so that the real survivors are better protected but the system is not left open for others to abuse it.<sup>38</sup>

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<sup>37</sup> “The Code for Crown Prosecutors,” The Crown Prosecution Service *available at*: <https://www.cps.gov.uk/publication/code-crown-prosecutors> (last visited January 11, 2026).

<sup>38</sup> Editor, “Law on Domestic Violence [Protection of Women from Domestic Violence Act, 2005]” SCC Times, 2020 *available at*: <https://www.sconline.com/blog/post/2020/07/27/law-on-domestic-violence-protection-of-women-from-domestic-violence-act-2005/> (last visited January 11, 2026).

**Table 6: Cross-jurisdictional snapshot — Protective instruments vs. anti-misuse safeguards**

<b>Jurisdiction</b>	<b>Protective instrument (statute &amp; section)</b>	<b>Key anti-misuse safeguard (statute/guidance)</b>	<b>Illustrative effect</b>	<b>Source</b>
<b>India</b>	PWDVA 2005 (ss.3,12–23); BNS s.84	BNSS ss.35 (Arnesh Kumar) ; BNS ss. 215, 227; Section 530 quashing (Bhajan Lal)	Access to relief + judicial safeguards to curb routine arrests	PWDVA text; Arnesh Kumar; Bhajan Lal. <a href="https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf">https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf</a> <a href="https://judicialacademy.nic.in/sites/default/files/1.%20Arnesh%20Kumar%20v.%20State%20of%20Bihar.pdf">https://judicialacademy.nic.in/sites/default/files/1.%20Arnesh%20Kumar%20v.%20State%20of%20Bihar.pdf</a> <a href="https://indiankanoon.org/doc/1033637/">https://indiankanoon.org/doc/1033637/</a>
<b>UK</b>	Domestic Abuse Act 2021 s.1 (definition); civil remedies	CPS domestic abuse guidance (evidential/public interest test)	Prosecutorial gatekeeping reduces weak/malicious charges	<a href="https://www.legislation.gov.uk/ukpga/2021/17/section/1/2021-07-05?view=plain">https://www.legislation.gov.uk/ukpga/2021/17/section/1/2021-07-05?view=plain</a> <a href="https://www.cps.gov.uk/prosecution-guidance/domestic-abuse">https://www.cps.gov.uk/prosecution-guidance/domestic-abuse</a>
<b>Australia (Victoria)</b>	Family Violence Protection Act 2008 (Part 3 holding powers; Part 5A info sharing)	Administrative review & risk panels; police safety notices	Rapid police protection + review to detect misuse	<a href="https://www.legislation.vic.gov.au/in-force/acts/family-violence-protection-act-2008">https://www.legislation.vic.gov.au/in-force/acts/family-violence-protection-act-2008</a>
<b>USA</b>	VAWA (42 U.S.C. subch.III) + state protection orders	Federal funding for coordination; state false reporting statutes	Resources for victims + systemic coordination; false reporting penalised at state level	<a href="https://www.law.cornell.edu/uscode/text/42/chapter-136/subchapter-III">https://www.law.cornell.edu/uscode/text/42/chapter-136/subchapter-III</a>

## 8. POLICY CHALLENGES AND REFORM PROPOSALS

### 8.1 Need for Legal Safeguards against Misuse

The main legal framework of India that concerns domestic violence, especially the Protection of Women from Domestic Violence Act, 2005 (PWDVA) and Section 84 of the BNS, was developed with the purpose of quick safeguarding and dissuasion of real victims of domestic cruelty. But judicial remarks have repeatedly pointed out the risk of misapplication on a large scale which is inherent when these provisions are applied without sufficient safeguards. The code punishes the husbands and in-laws of married women through the formulation of Section 84 BNS as a cognizable, non-bailable, and non-compoundable offence under the law, but this very toughness—the same strangeness designed for which rapid protective response has also been criticized for wrongful arrests and litigation initiated on flimsy or retaliatory grounds. Courts have warned against the indiscriminate use of this provision when the allegations are vague or lack specific evidence of cruelty, and they have stressed that the mere registration of an FIR should not be seen as proof of cruelty.<sup>39</sup>

There are no required procedural checks before arrests and prosecutions which negatively influence the situation. It is very likely that proper investigation as set out by the judicial regulations will filter out unwarranted filing of FIRs or police taking punitive measures while urgent help is not given to the real victims. High courts ruling in the cases such as Arnesh Kumar v. State of Bihar have already called for giving effect to Section 35 of the BNSS which requires that police arrest only if they deem it necessary, but law enforcement's preliminary examination—backed by evidence thresholds and judicial oversight—would go a long way in reinforcing the counter measures against misuse.<sup>40</sup>

Another issue that should be given equal importance is the introduction of punishment for false complaints in order to prevent abuse of the system. It is true that the various sections of the IPC dealing with false claims and perjury (Section 215, 227, and 246) and criminal defamatory law (Sections 356 BNS) do exist as a tool for punishing false reporting; however, these laws are hardly ever put into action. Making the legal procedures much clearer and providing protective vindication for complainants coming in good faith, along with tough penalties for

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<sup>39</sup> Anju Nair, "Laws for Domestic Violence in India: A Legal Framework" King Stubb & Kasiva, 2024 available at: <https://ksandk.com/private-clients/domestic-violence-laws-india-legal/> (last visited January 11, 2026).

<sup>40</sup> Ibid.

teaching abuses, would help to maintain the dual needs of victim protection and abuse prevention.<sup>41</sup>

## 8.2 Judicial Guidelines and Statutory Amendments

The Indian laws relating to domestic violence and cruelty have been influenced by the guidelines which the judiciary itself has formulated, but these guidelines should be made more clear and consistent through statutory amendment. In the case of *Arnesh Kumar v. State of Bihar* (2014), the Supreme Court ruled that the arrests in the cases of offences which are punishable by imprisonment of less than seven years (including Section 84 BNS) shall not be automatic and the police have to apply the Section 35 BNSS checklist in order to provide written reasons for the arrest—thus preventing immediate incarceration of the person accused of the crime before the allegations have even been verified. This principle could be applied to domestic violence and related offences where the preliminary inquiries are done in a mandatory way rather than being left to the police discretion.<sup>42</sup>

The same concern occurred in *Rajesh Sharma & Ors. v. State of U.P.* (2017), where the Supreme Court was of the view that there was a serious concern regarding over-implication and thus it also suggested that Family Welfare Committees should be formed to help with the quick screening of complaints. The idea was later condemned in places like Social Action Forum for *Manav Adhikar v. Union of India*, where the Supreme Court ruled that the courts do not have the power to create extra-statutory bodies, but the basic concept—that the early stage of the process can be used to filter out the claims that are frivolous or malicious through the involvement of additional expertise and case evaluation—still remains a compelling direction for reform. The introduction of such early review mechanisms within the BNSS or the PWDVA could ensure that judicial guidance is actually part of the statutory procedure rather than just being dealt with in an ad hoc way through judicial shaping.<sup>43</sup>

Statutory revisions, for their part, should not only take into consideration but also actively

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<sup>41</sup> “Offences Related to False Evidence under BNS,” *Drishti Judiciary available at: <https://www.drishtijudiciary.com/bharatiya-nyaya-sanhita-&-indian-penal-code/offences-related-to-false-evidence-under-bns>* (last visited January 11, 2026).

<sup>42</sup> “INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS,” *available at: <https://www.ijlra.com/details/judicial-trends-in-addressing-misuse-of-womens-protective-laws-in-india-by-seema-nagar>* (last visited January 11, 2026).

<sup>43</sup> Vaibhav Pasi, “Rajesh Sharma v State of UP - Case analysis on Dowry Death and 498A” *iPleaders*, 2018 *available at: <https://blog.ipleaders.in/rajesh-sharma-v-state-of-up-case-analysis/>* (last visited January 11, 2026).

facilitate the expansion of definitions and the clarification of evidentiary thresholds so that police and courts may separate between the legally cognizable violence and the routine marital disputes. A good example would be the and the defining of the 'action' (coercive) that would be taken required evidentiary categories (medical evidence, recorded witness testimony, third-party documentation) before initiating such an action which would help to cut-off arbitrary actions on unverified allegations without, at the same time, reducing access to protection for genuine victims. Besides charging provisions to expedite quashing where prima facie material is absent—building on BNSS Section 530 powers—should be made more explicit so that courts can effectively purge the mala fide complaints from their dockets.

### 8.3 Strengthening Support for Genuine Victims

It is true that the risk of misuse should be managed, but it must not, in any way, compromise the protective nature of the laws that are meant for the genuinely abused. The PWDVA (ss. 12-18) has given the court power to issue protection orders, residence orders, monetary relief, custody orders, and reimbursement for expenses to aggrieved persons as well as to impose duties upon Protection Officers and service providers to assist victims. However, implementation gaps—such as insufficient numbers of trained Protection Officers, shortage of shelter homes and lack of awareness in marginalized communities—are the obstacles that hinder the effectiveness of these provisions. The institutional capacity strengthening that will be carried out through the dedicated funding, training, and oversight mechanisms would ensure that the victims are provided with timely and adequate support which in turn would reinforce the original legislative intent.<sup>44</sup>

Embedding counselling, mediation, legal assistance and socio-economic rehabilitation within the domestic violence response would meet the victims' needs on a larger scale than through the court system. With the proper implementation of mediation and counselling in such cases where the risk of serious harm is low, certain disputes can be resolved without inflaming matters and spreading the social and emotional trauma linked to litigation. It is important that these services are not only gender-sensitive but also trauma-informed as this guarantees that access to justice remains victim-centred even as the misuses of the system mechanisms are

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<sup>44</sup> VINTAGE LEGAL, “Protection Of Women from Domestic Violence Act, 2005: Is It a Protector of Women or a tool misused by them?” Vintage Legal, 2024 *available at*: <https://www.vintagelegalvl.com/post/protection-of-women-from-domestic-violence-act-2005-is-it-a-protector-of-women-or-a-tool-misused-by> (last visited January 11, 2026).

reformed to prevent such misuses.<sup>45</sup>

#### 8.4 Ensuring Fairness and Due Process

Fairness and due process are the pillars of any just justice system and thus must be protected very consciously in domestic violence legislation context. The PWDVA guarantees the principles of natural justice by giving respondents the right to representation and hearing; however, due process issues arise especially in the criminal sector when FIRs result in automatic arrests without any examination or when prosecutors rely on the complainant's account only. The police should carry out preliminary enquiries, comply with the BNSS s.35 arrest criteria, and require prima facie evidence before taking coercive actions in order to avoid arbitrarily depriving anyone of their liberty while still protecting the victims' rights to instant protection.<sup>46</sup>

The reforms in legal ethics will be necessary for the proper and responsible litigation practice. It should be the case that lawyers and advocates who direct complainants to submit groundless or spectacularly exaggerated complaints suffer from these disciplinary actions. The Bar Council of India can incorporate domestic-violence law ethics modules into professional standards and continuous legal education as a part of the disciplinary action. In this way, it will be established that legal advocacy is not a mere tactical advantage but a system for giving justice.

Public legal education campaigns, lastly, are indispensable to bring about a subtle knowledge of the domestic violence laws among the public, law enforcers, the judiciary and the media. The public awareness actions can do a lot by making it easier for the victims to come out and report the real abuse, clearing the legal rights and the responsibilities and at the same time dissolving the myths about the "weaponisation" of laws thus equalizing community expectations and improving the fairness in the system.<sup>47</sup>

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<sup>45</sup> Ibid.

<sup>46</sup> Rachit Garg, "The Protection of Women from Domestic Violence Act, 2005" iPleaders, 2022 *available at*: <https://blog.ipleaders.in/the-protection-of-women-from-domestic-violence-act-2005/> (last visited January 11, 2026).

<sup>47</sup> Biswajit Ghosh and Tanima Choudhuri, "Legal Protection Against Domestic Violence in India: Scope and Limitations" Springer Nature, 2011 *available at*: [https://www.researchgate.net/publication/225125399\\_Legal\\_Protection\\_Against\\_Domestic\\_Violence\\_in\\_India\\_Scope\\_and\\_Limitations](https://www.researchgate.net/publication/225125399_Legal_Protection_Against_Domestic_Violence_in_India_Scope_and_Limitations) (last visited January 11, 2026).

## 9. CONCLUSION

The difficulty of ensuring that the genuine victims of domestic violence do not lose protection while at the same time preventing the legal provisions like the PWDVA and Section 84 BNS from being misused is the paramount in India's socio-legal context. The first thing these laws have done is to empower many survivors to free themselves from the cycles of abuse and to get the relief that was once inaccessible; the second one is the existence of legitimate concerns about misuse where allegations are submitted without any strong evidence leading to wrongful arrests or prolonged litigation—and all these have pointed to the weak points in procedural safeguards and their implementation. The judicial interventions in *Arnesh Kumar v. State of Bihar* and *Rajesh Sharma v. State of U.P.* are indicators of the judiciary's acknowledgment of this dual necessity: to protect the genuine victims while preventing the abuse of the system.

Reform in the future should focus on procedural safeguards first—inclusive of mandatory preliminary inquiries, explicit evidentiary thresholds, and statutory recognition of judicial arrest guidelines—along with institutional strengthening to provide effective, timely support for real victims. Penal sanctions for false complaints that are proven should be made clear, accessible and applied fairly—not as blunt deterrents to legitimate reporting but as targeted remedies for demonstrable malice. Training police, magistrates and legal professionals on the substantive and procedural nuances of domestic violence law can improve decision-making by making it balanced and public legal education campaigns can make the public more informed and hence, more engaged with these statutes. Ultimately, an equitable system respects both the vulnerable and the innocent, the sovereignty of individual rights and the integrity of collective legal protections—a system that secures the purpose of protective laws while strengthening procedural justice for everyone.

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