



Fake FIR in rape cases; Problem & Solutions

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Abstract

The concept of law is as old as human society as well as, as ancient as humanity itself. Although in past times law was not codified but some rules and regulations were there to control the conduct and behaviour of the people. From the time of uncodified law till today when the legislature has provided us with the codified law a fundamental principle of criminal law exists that no one will be punished until his guilt has been proved beyond all reasonable doubts. This principle is based on a well-known maxim stated by jurist William Blackstone which is also known as the Blackstone formulation or Blackstone's ratio "**It is better 100 guilty persons escape than one innocent suffer**". Therefore, it is the fundamental principle of criminal law that every person is considered innocent until he has been proven guilty. In criminal law provisions have been provided that if any person has been falsely implicated in any criminal trial, he shall be treated as a victim of false accusation and will be compensated.

Very recently the Hon'ble Justice S Murlidhar Delhi High Court via Babloo Chauhan @ Dabloo Vs State of NCT², discussed the urgent need effective legislative framework to deal with the matters wherein an innocent person has been wrongfully prosecuted and put to be acquitted but only after wrongful incarceration for 6 years imprisonment, which has been furtherly found to be totally unjust and it is lastly the judiciary who becomes the cause to such miseries to a such innocent person. More recently, Hon'ble Justice Dr. Kaushal Jayendra Thaker Utter Pradesh High Court³ coated the mentioned case as a reference to a sorry state and request the registrar to list up the matter before the Hon'ble Chief Justice so that those who are in jail for last more than 10 – 14 years to be heard with respect to the pending jail appeals at least for the purpose of retrenching the persons who are in jail despite that the prosecution has no substance in its case. That both of the recent judgements referred to and mentioned only to focus that the great plinths of the criminal justice system propounded by William Blackstone as mentioned above somewhere getting at laches.

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² <https://indiankanoon.org/doc/117931857/>

³ Vishnu Tiwari vs State of UP, CRIMINAL APPEAL No.-204 of 2021 (From Jail) (Defective Appeal No.386 of 2005)

However, in recent years cases of false accusation are increasing and especially of the offence of rape. Many a time people are involved in sexual activities with their consent and either just for revenge or sometimes under the pressure of the family women implicates men for rape. The legislature has made hard provisions to stop the commission of rape attempts to secure the freedom and decency of women but now the provisions are being misused by some women. It is very easy for them to state that they have been sexually abused and their statement impacts the whole life of the men who were implicated in rape offences.

The tag of a “**Rapist**” is like a stigma on the face of men and if the accusation is false and prosecuted with some ulterior motives, the accusation pertains to a force to turn over the whole life of such falsely accused man. In many cases judiciary has acknowledged the problem of false accusation and acquitted the men but unfortunately, the provisions of compensation for false accusation are not strong enough as compared to the provisions of the offence of rape. The mental condition of the victim of a false accusation of rape cannot be assumed and measured by anyone. Sometimes even after being acquitted by the court people look at those persons with the same view and behave with them like they are rapist actually and somehow, they are acquitted by the court. False accusation in rape cases is a serious legal issue which needs the attention of legislation as well as the judiciary.

The reason, therefore, the Law Commission of India in August 2018 took serious note of the issue as discussed above via its report no. 277 under the subtitle of Wrongful Prosecution (Miscarriage of Justice): Legal Remedies⁴ and discussed the issue in all its aspects and provide a list of tasks which the legislation should adopt and create new enactments etc. furthermore, the Hon’ble law commission of India via its report no. 192 in June 2005 also put a note and a curbing solution to above said issue under the sub-title of Prevention Of Vexatious Litigations where it earlier discussed the issue.

1. Introduction

False accusation in criminal matters has become a serious legal issue these days. It is a fundamental principle of the criminal justice system that a person is considered innocent until he is proven to be guilty by the court of law and therefore during the trial of a criminal case the guilty person is termed as “Mulzim” and not “Muzrim”. He is called as “Muzrim” after conviction by a competent court. During the period when a person is being tried for any offence he can prove his innocence by evidence. The problem arises in the matters of rape allegations. In the offences, the guilt of the accused can be seen very clearly but in the matters of rape, the guilt of the accused cannot be decided by the circumstances. That many times the allegations of rape are fake and the accused person has to suffer a lot i.e mentally as well as socially. Rape allegations are like a stigma on the face of the accused. People may have created a personification of said accused as a rapist and never accept that person as a good man. Rape allegations put the whole life of a person at stake since it has been observed in a recent case that a respectable & responsible male citizen of our nation was simply made

⁴ <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081613.pdf>

jobless and characterless or as an eve-teaser just after the accusation under section 354 of IPC and tagged him as “Dilli ka Darinda”⁵ and this is to be mentioned here that this case is nothing to do with Rape but is simply an accusation of a sexual offence against any woman. Even though the rape accused is acquitted by the court, society does not accept him with free hands. The life of a person false implicated in rape allegations is turned as that person becomes the victim of a false accusation of rape. False accusation is a serious legal issue and among that issue, false accusation in rape matters an important one. The fundamental principle of criminal law that a person is innocent until proven to be guilty seems to be not applicable in rape matters because in rape matters a person is considered guilty until he has been proven to be innocent. In rape cases, the statement of the woman that sexual activities have been done without her consent is sufficient to send a person inside prison even though the sexual acts may have been committed with her consent.

It is true that in past years many cases of brutal rape and murder have been reported as the cases of Nirbhaya and Priyanka are unforgettable. After the Nirbhaya rape case, the legislature amended the legal provisions of the offence of rape in criminal law so that such type of offences can be stopped but the results are opposite to the expectation. Provisions of rape are misused a lot and especially those mentioned in POCSO⁶ Act. SC & ST act added fuel to the fire in many rape cases because SC & ST act made the offence of rape very serious when the woman belongs to a scheduled caste. The case of Vishnu Tiwari is the latest one in which the accused was held not guilty and acquitted by the Allahabad High Court after 20 years of conviction of the accused. After this acquittal, the so-called accused has become a victim of a false accusation of rape. It is true that times never changed for women but in 21st century the time has come when we can think that a man can be soft and a woman can be hard. False accusation of rape has become a very serious issue which seeks the attention of the legislature as well as the judiciary.

2. Law of rape

The legislature was well aware of the sexual offences against women and therefore the offence of rape with the punishment was included in criminal law from the very beginning. However, the title of the same was changed as “Sexual Offences” from the title “of rape”. The offence of rape has been provided under section 375 of the Indian Penal Code⁷. It is important to mention here that the definition of the offence of rape as has been given at the time of enactment of the criminal law was changed in the year 2013. The offence of rape is defined as under:

“A person is said to commit “rape” if he penetrates his penis, inserts any object or part of the body to any extent, manipulates any part of the body of a woman so as to cause penetration or applies his mouth to the vagina, anus, urethra of a woman or makes her do so with him or any other person.”

⁵[https://indiankanoon.org/doc/118683273/#:~:text=NO.1598%2F2022%20SARVJEET%20SINGH%20V%20STATE%20\(NCT%20OF%20DELHI\),contemplated%20under%20section%20340%20Cr.](https://indiankanoon.org/doc/118683273/#:~:text=NO.1598%2F2022%20SARVJEET%20SINGH%20V%20STATE%20(NCT%20OF%20DELHI),contemplated%20under%20section%20340%20Cr.)

⁶ Protection of Children from Sexual Offences Act, 2012

⁷ Indian Penal Code. 1860

In furtherance such person has committed all such activities under the following circumstances:

1. Against her will.
2. Without her consent
3. With her consent when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or hurt.
4. With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is lawfully married.
5. With her consent when at the time of giving such consent, by reason of unsound mind or intoxication or by administration of an unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.
6. With or without consent when she is under 18 years of age.
7. When she is unable to communicate.

According to the definition given above, the sexual offence i.e. rape falls under two types of categories i.e. sexual acts with consent and sexual acts without the consent of the woman.

Sexual acts without the consent of the woman

Sexual acts which are committed without the consent of a woman are always illegal and fall under the category of offence and are punishable under various provisions of criminal law. The punishment for the offence of rape has been provided under sections 376, 376 A, 376 AB, 376 B, 376 C, 376 D, 376 DA, 376 BD & 376 E of criminal law.

Sexual acts with the consent of the woman

Sexual activities which have been committed with the consent of a woman are rape only when those acts have been committed by putting the woman in fear of death or hurt or misconception or by administering her intoxication or unwholesome substance. If the sexual act is committed with the consent of a woman except under above-mentioned circumstances then there is no offence.

The above-mentioned definition has two exceptions also which are as follows.

1. A medical procedure or intervention shall not constitute rape.
2. Sexual intercourse or sexual acts by a man with his wife, the wife not being under 18⁸ years of age, s not rape.

Therefore, both two statements have exceptions. Sexual acts which have been committed without the consent of a woman may not become an offence as in the case of sexual acts committed by a husband with his wife who is above 15 but below 18 years of age. As per the second statement, sexual acts committed with the

⁸ <https://indiankanoon.org/doc/87705010/>

consent of a woman may become rape as in the case of sexual acts committed by a husband with his wife who is under 18 years⁹ of age even though she has consented to that sexual intercourse.

The substantive law which provides the definition of the offence of Rape further acted upon the procedural law i.e. The Code of Criminal procedure, 1973¹⁰ hereinafter, be called the Cr.P.C. via section 164-A wherein it has been provided & directed that the Rape victim should be examined within 24 hours after the incident if possible by a Registered medical practitioner but only with the consent of the Rape victim or with the consent of some other person who is competent to provide such consent on behalf of the woman the victim. That the legislation further bound the investigating agencies and the court of justice not to treat such examination as lawful which has been conducted without the consent as mentioned under section 164 Cr.P.C. itself. That the law mentioned as such further busting the fake FIR in rape cases since the Victim now needs not to get herself examined and she is otherwise free to put the blame on any man she wants. The relevant portion of the provision mentioned as section 164 A Cr.P.C is being reiterated as below:-

Section-164 A. (1) Where, during the stage when an offence of rape or attempt to commit rape is under investigation, it is proposed to get the person of the woman with whom rape is alleged to have been committed or attempted, examined by a medical expert, such examination shall be conducted by a registered medical practitioner, with the consent of the woman or of some person competent to give such consent on her behalf and such woman shall be forwarded to the registered medical practitioner without delay.

(2) The registered medical practitioner to whom such woman is forwarded shall without delay examine her person and prepare a report specifically recording the result of his examination and giving the following detail:

(i) the name and address of the woman and of the person by whom she was brought,

(ii) the age of the woman,

(iii) whether the victim was previously used to sexual intercourse,

(iv) marks of injuries, if any, on the person of the woman,

(v) general mental condition of the woman, and

(vi) other material particulars, in reasonable detail.

(3) The report shall state precisely the reasons for each conclusion arrived at.

(4) The report shall specifically record that the consent of the woman or of some person competent to give such consent on her behalf to such examination had been obtained.

(5) The exact time of commencement and completion of the examination shall also be noted in the report, and the registered medical practitioner shall without delay, forward the report to the investigating officer, who shall forward it to the Magistrate referred to in section 173 as part of the documents referred to In clause (a) of sub-section (5) of that section.

⁹ <https://indiankanoon.org/doc/87705010/>

¹⁰ The Code of Criminal Procedure, 1973

(6) Nothing in this section shall be construed as rendering lawful any examination without the consent of the victim or of any person competent to give such consent on her behalf"

In furtherance, to the above-mentioned provision, there are various other provisions under the Indian Evidence Act, of 1872¹¹ hereinafter referred to as the IEA which further facilitate the ease of any woman to prosecute any man for the offence of Rape while treating her with unnecessary ease or leniency. That section 146 of the IEA provides about the lawful questions which can be asked to the witnesses during the cross-examination wherein the questions which tend to prove the consent or even the quality of the consent of the prosecutrix have been declared as unlawful which further deals with a lacuna wherein from 2013 the defense has been snatched away with the opportunity to put out the accused from the ambit of the offence of the Rape. Furthermore, the IEA mentioned such questions related to the previous sexual experience of the prosecutrix has been provided as irrelevant via section 53A of the act. That the relevant part of the provision mentioned as above is being reiterated for the ready reference:

Section 146- When a witness is cross-examined, he may, in addition to the questions herein-before referred to, be asked any questions which tend—

- 1. to test his veracity.*
- 2. to discover who he is and what is his position in life, or*
- 3. to shake his credit, by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him or might expose or tend directly or indirectly to expose him to a penalty or forfeiture;*

Provided that in a prosecution for an offence under section 376, section 376A, section¹ 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB or section 376E of the Indian Penal Code (45 of 1860) or for an attempt to commit any such offence, where the question of consent is an issue, it shall not be permissible to adduce evidence or to put questions in the cross-examination of the victim as to the general immoral character, or previous sexual experience, of such victim with any person for proving such consent or the quality of consent.

Section 53 A-In a prosecution for an offence under section 354, section 354A, section 354B, section 354C, section 354D, section 376, "section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB or section 376E of the Indian Penal Code (45 of 1860) or for attempt to commit any such offence, where the question of consent is in issue, evidence of the character of the victim or of such person's previous sexual experience with any person shall not be relevant on the issue of such consent or the quality of consent.

¹¹ The Indian Evidence Act, 1872

3. False accusation

False accusation means making false allegations against someone who has not actually committed any crime. The false accusation may be made to take revenge or under some pressure. To understand the concept of false accusation, it is necessary to explain the concept of accused, victim and falsely accused. All these terms are explained below.

Victim:

The term “Victim” has been defined under the code of criminal procedure¹² as “a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “victim” includes his or her guardian or legal heir”.

According to the definition of the term mentioned above as provided under the procedural code, the victim is the person who suffers any loss or injury due to the act or omission of the accused for which the accused person is charged and after trial, he is punished for that act or omission. Therefore to become a victim it is necessary that someone must have been charged for the act which made him a victim. However, it may be possible that sometimes the accused may not be identified but some act must have been done with his reference.

Accused:

The term “accused” has nowhere been defined in criminal law or in any code, however, as per the definition given in Oxford Dictionary, the term “accused” means a person who has done something wrong or broken the law.” Therefore, an accused is the person who commits any wrongful act for which he is charged by the court of law.

Falsely accused:

Like the term accused, the term “falsely accused” has also not been defined in criminal law or in any other code. However, in this reference, the Urban Dictionary has defined the term false accusation as “An untrue claim or charge that someone has done something illegal or wrong”. According to the definition given above, a false accused is thus suggested to be the person who has been blamed by someone without any reason or wrong done by him.

The definitions mentioned above have made clear three different terms i.e. victim, accused and falsely accused. There seems to be no confusion about the victim and the falsely accused. However, there is a big controversy between the two terms. Although the victim is surely a person who has suffered loss or injury due to the wrongful act of the accused, however, sometimes the person who is falsely charged by another for a wrongful act becomes a victim, i.e. victim of false accusation. The law has made provisions for compensation

¹² Section 2 (wa) of Code of Criminal Procedure, 1973.

to the victim i.e. the victim of the wrongful act only. The person who has become a victim of a false accusation or criminal justice system has no remedy under criminal law. Section 357, 357 A, 357 B & 357 C of the criminal procedure code provide only compensation schemes and treatment to the victims of offence only.

4. False accusation of rape, reasons and consequences:

As discussed above, false accusation means a claim or charge against someone that he has committed some wrongful act. Accusing falsely regarding rape is an important issue with this reference. Among other offences, it is easy to implicate someone in a sex offence because, except for forced and unconsented sexual activities, there is no need for other evidence to show. There may be variously deliberated or non-deliberated reasons behind accusing someone of committing rape such as revenge, money etc. But in many cases, such false accusations have destroyed the whole life of the accused. The person who has been falsely implicated in rape cases would have become the real victim instead of the person who is complaining of committing such rape. Hon'ble Apex court through its many judgments has recognized the problem of false accusation of rape and released the alleged accused and awarded compensation.

Reasons behind the false accusation of rape:

There are various reasons for false accusations which can be discussed below:

1. Revenge

Revenge is the most important factor which moves any person to do any act including implicating any other person in any criminal act. False accusation of rape is easy as there is no need of evidence except the sexual act without the consent of the woman. In many cases, a man and woman are involved in sexual activities for a long time but after their breakup, the woman files criminal charges against the man regarding rape.

2. Money

Money i.e. monetary gain is another reason behind the false accusation of rape. The alleged victim may accuse a person to receive money from him. This may happen between employer and employee or between professionals. Apart from monetary gain, promotion in a job is also a big reason behind such accusations.

3. Pressure of family:

The pressure of family is another important reason behind false accusations. Many boys and girls involve in sexual activities when they are in an affair but when the family members come to know about their affair, they lodge criminal complaints against the boys and forced the girls to become a part of that criminal trial.

Consequences of false accusation of rape:

As mentioned above, a false accusation is blaming an innocent person and dragging him into a criminal trial. The alleged victim is actually an accused who does the wrongful act of lodging a false criminal report and the alleged accused is actually a victim who suffers a very unnecessary criminal trial without any fault. Therefore, the consequences of a false accusation are different from those of a true accusation. There are two instances of the consequences of false accusations. One is during the trial and another is after the completion of the trial. As far as the consequences during the trial are concerned, these may be psychological as well as material. The stigma of a rapist, insult, permanent loss of reputation and job and Irreparable loss of family are some prominent consequences that a person with a false accusation of rape suffers even during the trial of the case. Somehow if such a person has been acquitted, he is not restituted with the reputation which he pertained before said incident. If we talk about the consequences of a false accusation after the trial, the consequences can be divided into two categories i.e. consequences in the case of acquittal and consequences in the case of conviction. In the first situation, though the alleged accused has been acquitted he lefts with nothing with him to enjoy as he may have lost everything due to the stigma imposed upon him as a rapist. Though he may have been acquitted of the charge of rape, he still has to live with the fact that he has been once tried for the offence of "Rape" and is a Rapist in the eyes of the people of the vicinity. As far as the second situation is concerned, it is the worst situation when an innocent person is convicted for an offence which is considered to be the most heinous crime in the world. The second situation can be pointed out simply as a gross and conclusively miscarriage of justice.

Judicial Approach

The judiciary has protected the rights of citizens so far and is constitutionally duty-bound to do so, and also successfully in many cases of false accusation of rape, it protected the right of the innocent alleged accused and acquitted him. However, in many other cases, the alleged accused suffered loss/s due to the criminal justice system. The case of **Vishnu Tiwari**¹³ is definitely a recent unforgettable one when a person of 22 years of age was falsely implicated by a girl from the SC community for allegedly committing rape with her. The alleged accused was convicted by the lower court but after 20 years of his imprisonment, he was acquitted by the High Court of Allahabad. It was the worst and most suffering time for him as due to the trial for rape, he lost his living/job, family/relations, and even his precious youth i.e 20 golden years of his life when he could do something for his carrier and for his society in all.

Hon'ble Supreme Court recently¹⁴ granted anticipatory bail to the applicant i.e. **Ansaar Mohammad** in the case of rape, unnatural offences and criminal intimidation on the ground that a woman who willingly stayed with a man can't lodge a rape FIR case when the relationship turns sour.

¹³ Vishnu Tiwari vs. State of U.P., 2019 Allahabad High Court

¹⁴ Ansaar Mohammad vs. State of U.P. (Anticipatory bail allowed on 14th July, 2022)

In another recent judgment Hon^{ble} Supreme Court quashed FIR filed by the woman¹⁵. In the case of **Deepak Pawar vs. State of Maharashtra**¹⁶ the woman lodged FIR stating that the applicant committed rape with her on the fake promise to marry with the complainant. The applicant filed the application before Maharashtra High Court to quash the FIR but the High Court dismissed his application. Later, the applicant filed his application before the Apex Court. The Apex court allowed his application and quashed the FIR observing that there is distinction between false promise to marry and breach of promise to marry due to unavoidable circumstances. Further, in this instant case, the FIR was lodged after 3 years of end of relationship between the man and woman. As sexual relationship was with their consent, therefore the applicant can't be held liable for rape.

Recently in another important case¹⁷, the Apex Court quashed false FIR in rape case observing that judicial proceedings can't be allowed to be converted in to an instrument of oppression and harassment.

In the case of **Salman Vs. State of U.P.**¹⁸ the High impose fine of Rs. Ten Thousand on the woman who lodged false FIR against the appellant. In this case the FIR was lodged by the woman of paryagraj alleging the commission of rape by her husband before marriage. The appellant/husband contented that he never had sexual relationship with the complainant before marriage. Later on, the complainant asked the court to cancel the FIR stating that the criminal proceedings are destroying the marital relationship between the husband and wife. The High Court allowed the cancellation of the FIR, however, imposed a fine to the tune of Rs. 10,000/- on the woman for lodging false FIR against her husband.

Conclusion and Suggestion

For the welfare of society, the legislature being a welfare state has completed its obligation of providing a powerful legal system so that the conduct and behaviour of the people can be controlled. But always there are two sides to a coin. On the one side where there are benefits of a thing, there are some drawbacks to that thing also. Likely in the case of laws made for the benefit of the people are misused by them. The legislature made the laws for protecting the people from wrongs but the same laws are misused by them. Though the judiciary has played its vital role in protecting the rights of citizens, however, sometimes little delay can destroy the whole life of a person. The law has given the remedy of lodging a criminal complaint if wrong has been committed against him but such a remedy should not be used as a tool to gratify the prosecution's ulterior motives or to teach a lesson to the accused. Lodging false FIR has become a serious legal issue these days and especially in the cases of rape. Among other offences as mentioned under criminal law, the offence of rape is the most heinous and painful offence because the murderer destroys the physical frame i.e. body of the victim while the rapist destroys the very soul of the victim as well as her body¹⁹. But so-called heinous crime has

¹⁵ Deepak Pawar vs. State of Maharashtra, 2022 SC

¹⁶ ibid

¹⁷ <https://www.livelaw.in/sc-quashes-false-rape-case-read-judgment>

¹⁸ 2022, Allahabad High Court

¹⁹ Justice Arjit Pasayat

now become a tool in the hands of women to take revenge or to take money or pressurize the man for any purpose. False rape allegations can destroy the whole life of a man as he may lose his reputation, respect, job, family even wish to stay alive after facing fake trial of rape. There is hard need to take steps to protect innocent men from such false allegation of rape and therefore there is need to make strong law to punish the woman who files false FIR of rape.

Man and woman are the bases of the society. No one should be more privileged and more powerful than that of the other. In the past time when criminal law came into force, the position of women was miserable and at that time they need protection and care but now the situation has completely changed. Now men need protection from women-based laws. The judiciary is playing its role in protecting the rights of men and women equally but the role of the legislature is yet to be played. That the first and foremost step which can be taken is to make the law a little more rigorous as far as the special offence of rape is concerned, it is no need to say time and again that rape is the most heinous crime but on the very place it becomes the tool to suffice the ulterior motives of the prosecutrix and it is, therefore, there must be some accountability made out on the basis of the law against the frivolous and tempered prosecution, for example, there must be rigorous punishment if the prosecutrix found to file an absolute fake FIR of rape.

The second step which can be taken for the establishment of the authenticity of every FIR in the rape case is that the prosecutrix must be enforce to go through a medical examination or the medical examination must not be considered as illegal if it has been conducted without the consent of the prosecutrix or any other person who pertains the authority to provide consent on behalf of such female. Furthermore, in every trial of Rape cases the prosecutrix must be conducted upon some Narco or Polygraph tests to strengthen the authenticity of such trials and once the prosecutrix is found to be lied, a serious action must be taken against her. Moreover, if the prosecutrix is found to avoid the above-said test a strict or rigid presumption must be observed against her.

This is to be understand that the offence of Rape is based upon the non-mutual sexual act between accused and the prosecutrix and it is, therefore, the defense must be granted with the right to prove or establish the consent or quality of the consent from the prosecutrix to the accused. The blanket ban upon the right of the defense further lead to non-availability or purposes of the circumstantial evidences, it is to be noted that the circumstantial evidences are as important as of the direct, substantial or conclusive evidences and therefore, such an important.

That the Fundamental right of "Right to be forgotten" must be made to be mandatorily exercised after founding the mishappening with the real victim of the fake FIR of rape cases and his name should be treated and the legislation must act for protecting the personal liberty as well as the dignity of said victim. The very object behind such a way out is to protect the personal information/data of the Rape accused i.e. to further the purposes of curbing and barring of the demonizing of the name of said false rape accused.

That the basic objective behind enacting the laws is to mean and maintain a civilized or in other words to create a law-abiding society for which it is a mandate that the law must be fair and biased. No power should be given unilaterally to anyone despite the presumption that same can be exercised whimsically & capriciously. However, there are various laws in force which are being practised in absolute, but with a mandatory check upon the same. The issue discussed above is proved to be an elephant in the room and must be concentrated upon to further addressing the same with some effective solutions & way-outs for which the above-discussed paras shall surely suffice the affirmative purpose.

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