

Home (/) / News Updates (/news-updates) / "False Claims Of Molestation, Rape...

"False Claims Of Molestation, Rape Need To Be Dealt With An Iron Hand, Tragic That Practising Advocates Are Trivialising Rape": Delhi High Court

Nupur Thapliyal

(/nupur)

17 Aug 2021 10:16 AM

Share this



Noting that there is an alarming increase in false claims pertaining to rape and other sexual offences, the Delhi High Court on Monday deprecated filing of false claims and allegations in such cases after observing that frivolous claims must be dealt with an iron hand.

Observing that an act of rape has the ability to scar the mental psyche of the victim and the trauma can persist for years, **Justice Subramonium Prasad** also said that it is *"tragic to note that practising advocates belonging to the legal fraternity are trivialising the offence of rape"*.

Also Read - Failure To Provide Time To Cure Defect In Section 9 Application Violates Procedural Mandate: NCLAT (/ibc-cases/failure-to-provide-time-cure-defect-section-9-application-violates-procedural-mandate-nclat-269660?utm_source=internal-artice&utm_medium=also-read)

Further observing that there is an urgent need to deter such frivolous litigation, the Court said:

"..people who make such false allegations of rape cannot be permitted to go scot-free. This Court is pained to note that there is an alarming increase of false cases of rape and offences under Section 354, 354A, 354B, 354C & 354D only to arm-twist the accused and make them succumb to the demands of the complainant."

Also Read - Service Charge Collected By Medical Store In Hospital Covered Under "Health Care Services", Exempted From Service Tax: CESTAT (/tax-cases/service-charge-collected-medical-store-hospital-covered-health-care-service-exempted-from-service-tax-cestat-269659?utm_source=internal-artice&utm_medium=also-read)

"False claims and allegations pertaining to cases of molestation and rape need to be dealt with an iron hand due to the serious nature of the offences. Such litigations are instituted by the unscrupulous litigants in the hope that the other party will capitulate to their demands out of fear or shame. Unless wrongdoers are not made to face the consequences of their actions, it would be difficult to prevent such frivolous litigations."

Also Read - Prohibition On Filing Applications Under Sections 7, 8, And 10 Remains Effective Even After Section 10A Period Has Expired: NCLAT Principal Bench (/ibc-cases/prohibition-filing-applications-sections-7-8-and-10-remains-effective-after-section-10a-period-expired-nclat-principal-bench-269657?utm_source=internal-artice&utm_medium=also-read)

In light of this, it was also observed that Courts have to ensure that there is no incentive or motive for frivolous litigations which unnecessarily consumes the Court's otherwise scarce time.

"This Court is of the opinion that this problem can be solved, or at least minimized, to a certain extent, if exemplary cost is imposed on the litigants for instituting frivolous litigations," Justice Prasad observed.

Also Read - Goods Already Exported Before New Notification; Conditions Mentioned Are Not Relevant For Denying Refund: CESTAT (/tax-cases/goods-already-exported-before-new-notification-conditions-mentioned-not-relevant-denying-refund-cestat-269656?utm_source=internal-artice&utm_medium=also-read)

The development came while dealing with a petition seeking quashing of a rape FIR on the ground that the prosecutrix and accused compromised the matter.

Dismissing the said plea, the Court observed:

*"The courts, therefore, shoulder a great responsibility while trying an accused on charges of rape. **It is a matter of grave concern that people are treating these allegations in a very casual manner.**"*

Clarifying that it was not commenting as to whether the present case was a false case or not, the Court observed:

"..if it is found that the cases which have been filed by the parties against each other are false and frivolous then action should be taken against the prosecutrix and others who were instrumental in levelling allegations of rape only to settle some personal scores."

"Quashing FIR for offences like rape on the basis of compromise will encourage accused to put pressure on the victims to agree to a compromise and this will open doors for the accused to get away with a heinous crime which cannot be permitted."

Therefore, the petition was dismissed with the observation that High Courts must not exercise its powers under Section 482 Cr.P.C. for quashing an offence of rape only on the ground that the parties have entered into a compromise.

Title: VIMLESH AGNIHOTRI & ORS v. STATE & ANR