



**MEN WELFARE TRUST**

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## **PROJECT ON RAPE ACQUITTAL CASES**

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Date: January, 2022

### **ABSTRACT**

False cases and allegations against men have been increasing over the years. The statistics point out that every 30 minutes a man is accused of a false rape case in India. This project is an amalgamation of the cases related to rape acquittal. The aim is to create awareness among people on the increase in false rape cases.



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## About MEN WELFARE TRUST:

Men Welfare Trust (MWT) is a Delhi based Non-Governmental Organization (NGO), an integral part of Save Indian Family Movement (SIF) ([www.saveindianfamily.in](http://www.saveindianfamily.in)). MWT was registered in Delhi in the Year 2017 with a clear focus on issues related to welfare of Men.

It was a need of the hour to have an organization with dedicated team of volunteers to work on issues such as victimization of men & their families due to heavy misuse of gender-based laws such as IPC 498A (Dowry Harassment Law); Dowry Prohibition (DP) Act; Protection of Women from Domestic Violence Act (DV Act); IPC 376 (Rape Law); IPC 354 (Sexual Harassment Law); CrPC 125 & Hindu Adoption and Maintenance Act (Maintenance Laws); The Sexual Harassment of Women at Workplace Act etc., rising incidents of male suicides due to domestic/ family problems, male disposability/ homelessness of men, domestic violence on men, mental health issues, low life expectancy of men, vocational training, rehab, DV shelter homes for men to name a few.

Ever since its existence, MWT has been diligently working on above mentioned issues with a team of dedicated volunteers who selflessly invest their time and skills towards this noble cause. MWT is a self-supported, self-funded, not-for-profit organization with an aim to strive towards gender equality in the true sense.

**SIF ONE Helpline (8882 498 498)** has been receiving thousands of calls each month from men across India as well as overseas, men who are battered, abused, depressed by the widespread male-hatred in the Society.

MWT along with our brother NGO, Save Family Foundation ([www.savefamily.in](http://www.savefamily.in)) & other allied NGO's, spearheads the goals and vision of SIF for making India a better place for Men.

Visit us at: <http://www.menwelfare.in/>

**Helpline For Men**

**8882 498 498**

## Case: 1



**MEN WELFARE TRUST**  
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**Headline: 33 years after FIR was registered in UP: Man acquitted in rape case, woman faces action for going hostile.**

Date: September 14, 2021

Reason: The man was acquitted by Additional District Judge Kalparaj Singh due to lack of evidence

Location: Uttar Pradesh

A local court in Sultanpur district has acquitted a 55-year-old man in a rape and kidnapping case of a girl in 1988 and ordered a case against her for giving a false statement. The woman, who was then 14 years, did not support prosecuting during a cross-examination.

“Additional District Judge Kalparaj Singh acquitted the man, who was out on bail, for lack of evidence,” said Sultanpur government counsel Dhan Bahadur Verma on Monday. The woman, who now lives in Chhattisgarh, had come to Sultanpur to record her statement before a magistrate, Verma said.

“She was declared hostile after she contradicted the prosecution case during a cross-examination. She had earlier alleged kidnapping and rape. In its judgment passed on September 9, the court directed to lodge a case against her under section 344 of CrPC (Criminal Procedure Code),” said Verma.

According to prosecution, a case of rape and kidnapping was filed against four people, including the acquitted man, at a local police station after the incident on October 8, 1988. The three others were neighbours of the girl while the acquitted man then used to work as a salesman at a liquor shop in the area.

It was alleged that one of the four accused kidnapped the girl when she went to relieve herself. She was taken to a room where the accused raped her, said prosecution. The next day, she escaped from the room and got an FIR registered against the four men, who were arrested.

Later, the liquor salesman jumped bail and stopped attending trial, following which his file was separated from that of his co-accused.

Verma said that, in 2007, the court sentenced three others to seven years of imprisonment. The convicts challenged the judgment in higher courts, but they did not get any relief. They have completed their sentence,” said Verma.

Source: <https://indianexpress.com/article/cities/lucknow/33-years-after-fir-was-registered-in-up-man-acquitted-in-rape-case-woman-faces-action-for-going-hostile-7507164/>

## Case: 2

**Headline: Man acquitted in rape case after six years in jail after father prevents minor victim from deposing**

Date: July 3, 2021

Reason: The court held that there was no direct evidence in the absence of the minor's testimony.

Location: Mumbai.

A Special court acquitted a man from charges of raping a minor girl in 2015 as her family members did not want her to be examined. The accused, who worked as a domestic help, was 23 years old at the time of the incident and spent over six years in jail as an under trial.

“The prosecution has failed to bring the girl to give evidence when she was very much with parents, who always attended court. Defence advocate rightly submitted that the father of the girl has delayed trial, rather he has driven the course of the trial to see that the accused is kept behind the bar for a longer period and ultimately refused to bring the girl to lead evidence,” the court said while acquitting the man on charges including rape, sexual harassment and relevant sections of the Protection of Children from Sexual Offence Act.

The court said there was no hindrance for the prosecution to examine the child at the earliest as the accused had been in jail since his arrest. “The material witness, who was the victim’s child, was kept away from deposing. The accused was not able to cross-examine the material child witness,” special Judge Priti Kumar Ghule said.

According to the prosecution, on January 22, 2015, the minor along with her mother was visiting her grandparents. The accused worked as a help in the same building. While she was riding her bicycle below the building, the complainant claimed, the accused had called her and forcefully took her to the fourth floor where he raped her.

The accused was arrested based on the father’s complaint. The accused had denied the charges stating that the minor had followed him while he was going to work and he had only sent her back to the ground floor.

The court also held that while the parents of the minor had said that she was always accompanied by a caretaker, she was also not made a witness. It also held that it cannot be held from viewing the CCTV footage that the minor was forced by the accused to go upstairs. It held that the footage showed that the girl had returned to the ground floor within a short while and was seen climbing down calmly, “not scared or crying”.

“Only because the accused and the girl were seen going on the staircase for a couple of seconds, it cannot mean that she was sexually assaulted,” the court said.

Source: <https://indianexpress.com/article/cities/mumbai/man-acquitted-in-rape-case-after-six-years-in-jail-after-father-prevents-minor-victim-from-deposing-7386546/>

## Case: 3



**MEN WELFARE TRUST**

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**Headline: Fake case: Man acquitted of rape**

Date: Jan 6, 2020

Reason: The woman admitted that she filed a false complaint.

Location: Madurai

The Madras high court acquitted a man citing that the woman admitted to filing a false complaint by setting aside the conviction and sentence awarded by a lower court in a rape case. The prosecution had alleged that Subramanian and the woman, who is the complainant are relatives and that he had raped her before they got married. He also stated that the appellant's parents abused the woman demanding dowry following which she lodged a police complaint. The Thiruppathur All Women Police had registered a case against him under IPC sections 417, 376, 498(A), 294 (b) and 506(ii) the case was also registered against three of his family members under IPC section 498(A).

The Sivaganga sessions cum mahalir neethi mandran had convicted and sentenced the appellant to 10years imprisonment under IPC section 376 and acquitted the rest. He filed an appeal in the high court in 2014.

Justice M Nirmal Kumar observed that the women had admitted that she had filed a false complaint in order to unite with her husband, who is the appellant. The judge cited that the appellant had also obtained divorce through the Sivaganga sub-court as the two had entered in a joint compromise. The judge further noted that the woman expressed her willingness to settle this issue.

The judge further observed that as per the report of the radiologist, the woman was between 18 and 19 years of age at the time of the incident and hence the offence of rape would attract as per IPC section 376(i) as they had physical relationship with the woman with her consent.

Source:

[http://timesofindia.indiatimes.com/articleshow/73114050.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](http://timesofindia.indiatimes.com/articleshow/73114050.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

## Case: 4



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**Headline: Man acquitted of rape after complainant retracts**

Date: Feb 16, 2021

Reason: The woman admitted that she filed a false complaint to take revenge at her maternal uncle who had an argument with her mother.

Location: Noida

The Gautam Budh Nagar district court on Tuesday acquitted a man after the complainant said she had lodged a false rape case in 2019.

The 24-year-old man was booked for rape at Rabupura police station based on his 18-year-old cousin's complaint. She had claimed that she was alone at home when the man raped her. She claimed that the man had sexually abused her multiple times that year. The man was arrested soon after and he got bail after few months.

Later in 2020, however, the woman retracted her statement and said that she had lodged a fake case to get back at her maternal uncle who had had an argument with her mother. The woman's maternal grandfather who was a witness in the case too turned hostile.

"Additional District Judge Anil Kumar has acquitted the accused of charges under Indian Penal Code sections 376 (rape) and 506 (criminal intimidation)," said Neetu Bishnoi, Special Public Prosecution Officer. The court did not order any action against the woman for her false complaint.

Source: <https://www.hindustantimes.com/cities/noida-news/man-acquitted-of-rape-after-complainant-retracts-101613498697357.html>

## Case: 5



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**Headline: Mumbai man spends two years in jail after sister falsely accuses him of rape.**

**Reason:** The sister retracted her statement saying that the allegations were false.

**Location:** Mumbai

A 24-year-old man from Mumbai was acquitted by a special court after spending two years in jail after her sister accused him of rape.

Two years later, the sister retracted her statement saying that the allegations were false and that she did it as his brother had scolded her for going out with her boyfriend.

A special court in Dindoshi cleared the man of charges of rape and sections of the Protection of Children from Sexual Offences (POCSO) Act.

The original FIR was filed in 2019 when the girl claimed that her brother had sexually assaulted her when their parents were not at home. Among the two witnesses were herself and the investigating officer.

In her fresh statement, the girl denied the contents of the FIR about sexual assault. She also denied that any medical examination was done at the hospital.

The court said the testimony of the girl was not trustworthy as it had contradictions and omissions. It also said that there was no evidence to show that the girl was a minor in 2018 at the time of the alleged incident.

Source: <https://zeenews.india.com/india/mumbai-man-spends-two-years-in-jail-after-sister-falsely-accuses-him-of-rape-2390337.html>



## Case: 6



**MEN WELFARE TRUST**

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**Headline: Man framed for raping minor acquitted after 2 years in jail.**

Date: October 14, 2020

Reason: False allegation

Location: Mumbai

A special PocsO court acquitted a 52-year old man who has spent over 2 years in jail after his neighbour accused him of sexually assaulting their 2 minor children. The court found high probability in the defence of the accused that the woman, who was a close family friend, was afraid he would inform her husband about her proximity to another man. The accused, a “rakhi brother” to the woman and his wife had advised her to distance herself from the man as the rumours were damaging her reputation.

The court also said that being an independent woman she had a right to keep in contact with anyone and she was not answerable to anyone. Referring to the statements given by the children in court, the judge said that they were trotting out what the mother had told them. “She had used tactics of using hot spoon touch to control them. She also becomes hyper often. She has blood pressure problem and has scared the children by constant crying and spoiling he health. The children therefore, due to love for the mother are bound to act as per her say,” the court said.

The court said that it was not a fit case to blindly believe the complaint and the minors. “The evidence is not reliable and trustworthy”. The accused, a father of two was arrested on Jul 18, 2018. The woman had alleged the accused had sexually abused her minor children, a daughter age nine and son age seven. The woman said they were neighbours for several years and when she took tuitions the children would go to the house of the accused to watch television. She said on July 17, 2018 her daughter came home crying and told her the accused had sexually abused her. The accused denied the charges.

The court found on the day of the alleged incident, the minor girl had effused to part with the television remote and the accused grabbed it while she was lying on it. Both the kids were always pampered by the family of the accused. The mother exaggerated the matter of taking away the remote. She already had anger against the accused who gave importance to rumours against her,” the court said. Adding she concocted the rape charge to build a serious offence against him.

Source: <https://timesofindia.indiatimes.com/city/mumbai/mumbai-man-framed-for-raping-minor-acquitted-after-2-years-in-jail/articleshow/78651150.cms>

## Case: 7



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**Headline: 'Broken', says man acquitted after spending 20 years in jail in false rape case.**

Date: March 4, 2021.

Reason: The allegation was false and no medical evidence was found.

Location: Uttar Pradesh.

A man, who served 20 years in prison over false rape charges, was released from Agra Central Jail, after he was pronounced innocent by the Allahabad High Court in January this year. The man was jailed when he was barely 23 years old for a crime he never committed.

Vishnu Tiwari was sentenced to 10-year rigorous imprisonment by a Lalitpur court following his conviction under the SC/ST Act. He was arrested in September 2000 on charges of rape and atrocities under the SC/ST Act. He was arrested after a woman of his village accused him of sexually assaulting and raping her.

The incident highlights the plight of the man besides reflecting on the sorry state of police in Uttar Pradesh. He was later sentenced to 20 years of life imprisonment and was shifted to Agra Central Jail.

According to reports, Vishnu lost all family members while he was in jail and has only a younger brother back at his village home in the Lalitpur district of Uttar Pradesh.

Talking to the media after his release, Vishnu said that he had no expectation left from life. He said that he is broken from inside and so is his family. The man is left with an only paltry amount that he got from jail authorities at the time of his release. Vishnu claimed that after his conviction by the Lalitpur court, he lost the will to fight further and did not have the means to get a better lawyer either.

Vishnu was absolved of all the charges by the Allahabad High Court this January. Considering the pieces of evidence, the court opined that the medical evidence did not show any semblance of forcible intercourse and if the version of the prosecutrix is believed, the woman would have had some injuries which is not the case. Citing the medical evidence, the court said that the doctor did not find any sperm and they categorically opined against any sign of forcible sexual intercourse.

The court had also observed that the State should have considered commuting the sentence of Vishnu as he remained in prison for an extended period pending appeal. The court made a strong objection to the State not exercising its power for commuting his sentence even after Vishnu serving 14 years of incarceration.

Source: <https://www.financialexpress.com/india-news/broken-says-man-acquitted-after-spending-20-years-in-jail-in-false-rape-case/2206146/>

**Case: 8**



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Headline: **SC acquits man held for rape in a 4-year live-in relationship.**

Date: September 29, 2020

Reason: In a live-in relationship for 4 years.

The Supreme Court acquitted a man of 20-year-old charges of rape and cheating, for which he had been convicted by the Jharkhand High Court. The woman had alleged that she kept her silence for four years after the sexual assault, as the man had promised to marry her. And after getting to know he was getting married to another woman, she filed an FIR against him. The Supreme Court said no woman, after being sexually assaulted at knife-point, would write amorous love letters to the accused and shares a live-in relationship for four years.

Source: <https://timesofindia.indiatimes.com/videos/news/sc-acquits-man-held-for-rape-in-a-4-year-live-in-relationship/videoshow/78381655.cms>

## Case: 9



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Headline: **Court acquits accused in 2014 rape-murder case**

Date: Feb 27, 2020

Location: Goa

Additional sessions court judge Dvijpla Patkar on Wednesday acquitted Ram Bharosh Manji, a native of Bihar, in the alleged rape and murder case of a woman at Canacona.

On January 31, 2014, Canacona police registered an offence for rape and murder upon the complaint of Shashikant Yesso Pagi, that an unidentified person raped and murdered his 54-year-old wife Vijaya S Pagi, while she was returning home.

The autopsy report indicated that the death of the deceased was due to manual strangulation and smothering, and there was also evidence of head injuries and sexual assault.

The accused then stole her mobile phone and cash of Rs 500. The prosecution examined 46 witnesses in support of the case. Advocate Peter Fernandes appeared for the accused under the free legal aid scheme.

The rape and murder had caused a sensation in Canacona, with villagers protesting outside the police station for two days demanding that the case be transferred to the crime branch. The police had announced a reward of Rs 50,000 for anyone who could provide information about the assailant.

The government had transferred the case to the crime branch who charge-sheeted the case against Ram. The second accused Vikas Kumar Sao was charged with dishonestly receiving stolen property, and is currently absconding. The proceedings against him are to continue under Section 299 CrPC. Ram had admitted to the police that he had sold the mobile phone to Vikas.

Source: <https://timesofindia.indiatimes.com/city/goa/court-acquits-accused-in-2014-rape-murder-case/articleshow/74325860.cms>

## Case: 10



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**Headline: 42 years on, Mumbai court acquits tailor of raping minor kin.**

**Date:** November 26, 2018.

**Reason:** The victim had eloped with him and denied being sexually involved.

**Location:** Mumbai

In possibly one of the oldest cases pending before the sessions court, a Santacruz-based tailor was recently discharged in a 42-year-old rape case. Lal Mohammad Ajaralli was accused of abducting his minor relative in 1976.

A Sewri sessions court granted him the relief after it found that that alleged victim had eloped with the accused and denied being sexually involved him. "Though from medical report, it appears that hymen is torn, but that itself is not a conclusive proof regarding rape. After considering the entire record before me, it does not disclose commission of any of the offences. Therefore, it is just and proper to discharge the accused," the court said in its recent order.

The case against the accused was registered and investigated by the Kherwadi police. The girl's mother was the complainant. She had alleged to the cops that the accused had expressed his desire to marry the girl. The mother claimed that the girl had turned down his proposal as she was engaged to another man. At the time of the incident, the girl was working as a domestic help for a monthly salary of Rs 20 and lived in the house of her employer. The mother alleged that on April 5, 1976, she got to know that the accused and the girl had run away. Cops registered a case under Indian Penal Code sections for rape and abduction with an intention to compel a woman to marry.

The court remained dormant for several years. Recently, a proclamation was issued against the accused, but he did not turn up before the court. The court then went ahead with the matter and relied on the available documents.

The court observed the girl in her statement had said that the accused and she were in a relationship and they went to Delhi as her mother was harassing her.

The girl had also denied being physically involved with the accused and said that in while she had slept next to the sister-in-law of the accused, he slept outside the house.

Source: <https://timesofindia.indiatimes.com/city/mumbai/42-years-on-mumbai-court-acquits-tailor-of-raping-minor-kin/articleshow/66801798.cms>

## Case: 11

**Highlight: Man acquitted of rape as teen says never met him**

Date: October 30, 2020

Reason: The woman told that she had never met him.

Location: Mumbai.

After spending almost a year in jail on charges of kidnapping and raping a 17-year-old girl he had met on a Mumbai-Pune bus, a special Protection of Children from Sexual Offences Act court on Wednesday acquitted a 24-year-old medical representative after the woman told the court she had never met the accused. She said she had left the city without informing her family as she had fought with her sister. The woman denied implicating the accused in her statement given to the magistrate court, claiming the statement was in Marathi and she knew only English and Urdu.

The court said the girl was now an adult and aware of her deposition before the court. “The prosecutrix is not ready to agree that any bad incident occurred with her. She has reiterated that she went alone to Pune, was alone in the room, eating and watching TV. She returned alone to Mumbai. She has totally refused connection of accused with her. She does not know any such person,” the court observed.

The court found her evidence was not consistent with the statements made to the police and the magistrate. “It is seen that she is in the age of maturity and understanding. The evidence of police sub-inspector becomes formal in nature. In these circumstances, the accused is entitled for acquittal,” the court said.

The woman’s brother had complained to the police on January 14 after she left home and failed to return. An FIR on charges of kidnapping was registered. On her return a few days later, police asked her what had happened and she allegedly narrated the events. She also told police she did not want to stay at home and was sent to a shelter home.

The woman is alleged to have told the police that she had met the accused on the bus. She claimed as the bus broke down, the accused and she started talking and had tea. It was further claimed that they then went to the house of the accused. The following day, the woman purchased new clothes with his debit card, met his friends, went out for a movie, food and bike ride. The FIR also said they then took a bus to Nashik where they had sexual relations. The woman then returned to Mumbai by bus.

Source: <https://timesofindia.indiatimes.com/city/mumbai/mumbai-man-acquitted-of-rape-as-teen-says-never-met-him/articleshow/78943158.cms>

## Case: 12

**Headline: Rape accused acquitted as victim turns hostile.**

Date: Jan 5, 2018.

Reason: The girl failed to identify the accused.

Location: Chandigarh

The Chandigarh district court on Thursday acquitted a brother-in-law, a resident of Panchkula, in a case of rape on a minor after the victim turned hostile. The court of additional district and sessions judge Poonam R Joshi acquitted him under section 363 (punishment for kidnapping), 366 (kidnapping or abducting or inducing woman to compel her marriage, etc), 376 (punishment for rape) of the Indian Penal Code (IPC) and sections 4 and 6 of Protection of Children from Sexual Offences (POCSO) Act.

The matter dates back to September 18, 2017 when the mother of the victim lodged a complaint with the police that her 15-year-old daughter went missing. Police registered a case of kidnapping against the unknown persons. On September 25, 2017, the victim herself came back home and after the medical examination of the victim, it was found that she was raped. Later, she told her parents about the incident and then recorded her statement under section 164 to the magistrate and alleged that her brother-in-law had raped her. It was also stated that the accused had kidnapped her, repeatedly raped her and also threatened her not to disclose it to anyone. Later, police arrested the accused and added relevant sections to the FIR.

On Thursday, the victim had to record her statement in the court. She failed to identify the accused. However, the victim turned hostile in the court and stated not to pursue the trial against the 23-year-old accused. She was declared hostile. The court eventually acquitted the accused.

Source: <https://timesofindia.indiatimes.com/city/chandigarh/rape-accused-acquitted-as-victim-turns-hostile/articleshow/62372547.cms>

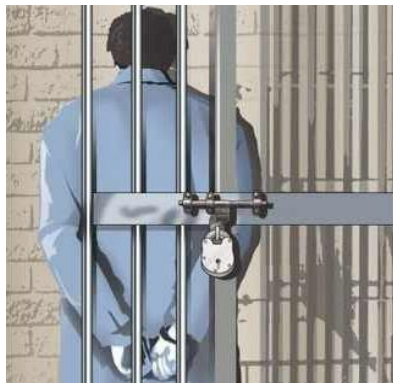
## Case: 13

Headline: **Sex consensual, man acquitted of rape.**

Date: September 1, 2016

Reason: No evidence was found.

Location: New Delhi



(Representative Image)

A trial court has acquitted a man of the charges of raping and assaulting a woman, saying the two adults established physical relations with their free consent and, therefore, no offence had been committed. “The prosecutrix was well above 18 years of age at all material times. Sexual intercourse between two adults of the opposite sex with their free and voluntary consent is no offence. There is no evidence that the accused disrobed the prosecutrix or threatened her or injured her,” said Additional Sessions Judge Sarita Birbal.

The man was absolved of the charges of causing hurt, assaulting a woman with intent to disrobe her, rape and criminal intimidation under the Indian Penal Code (IPC).

The court noted the woman’s submissions that the physical relations between her and the accused were with her consent and that they were in love and talks for their marriage were on. It said there was no evidence that the man had threatened the 22-year-old woman or disrobed her, after the woman deposed that her family, which knew of their love affair, had forced her to lodge the complaint.

“She (the woman) has completely absolved the accused of the charges and has not deposed anything incriminating against him... The mother and father of the prosecutrix have also not made any incriminating statement against the accused. In view of the depositions of the prosecutrix and her parents in this court, their statements recorded during the investigation which are not substantive pieces of evidence would be of no help to the case of prosecution,” it said.

Source: <https://timesofindia.indiatimes.com/city/delhi/sex-consensual-man-acquitted-of-rape/articleshow/53952864.cms>



## Case: 14

**Headline: Girl's father, brother acquitted of charge of raping her.**

**Date:** December 7, 2019.

**Reason:** The court acquitted the brother and father stating that it was improbable that she could have been raped.

**Location:** Delhi

A Delhi court has acquitted the father and the brother of a girl of the charges of repeatedly raping her, saying it was "improbable" that she could have been raped in the presence of several family members.

The court also based its acquittal order on a "big delay" in the registration of the FIR by the girl.

The girl, who was around 17 at the time of the alleged incident in 2015, had claimed she had been repeatedly raped by her father and brother for months, while living with them under a single-room house. Additional Sessions Judge Umed Singh Grewal said the girl, who had alleged that she was threatened not to disclose the incident to anyone, had every opportunity to tell about it to customers coming to her family-run grocery store where she used to sit sometimes. "About 8-10 persons of the family members of the victim and accused used to sleep together without any partition. None of them was joined in the investigation by the police. It is improbable that father and son would rape the victim in the presence of so many persons of their family," the court said, acquitting the father-son duo.

The court also termed the alleged victim's evidence as "suffering from infirmities" owing to the girl giving different dates and months of the incident during her deposition.

"The prosecutrix (girl) gave different times and months of the incident. There is a big delay in the registration of the FIR. Her evidence is improbable and is suffering from infirmities for which corroboration is required which is not coming from anywhere," the court said. It said the girl admitted in her cross-examination that her family members used to run a grocery shop and she also used to sit in that shop to sell groceries.

"So, she is not correct in deposing that she was not allowed to go anywhere and due to that, she could not tell about the incident to anybody. She had every opportunity to tell customers about the incident. It is pertinent to mention that customers in such small shops are always neighbours," it said.

The court said the victim and her cousin with whose help the FIR was lodged, cannot be believed on the point that they spoke to her uncle about the incident, saying had she complained to her family members, they would have come in open support of the victim and her cousin.

"Had they complained to other family members, whose number was not less than 10, they might also have come to know of the incident and they would have come in the open support of them. But none of them is supporting them. Rather, none of them was examined by police in investigation and the only reason may be that they were not supporting the victim on that issue," the court said.

Source: <https://timesofindia.indiatimes.com/city/delhi/delhi-girls-father-brother-acquitted-of-charge-of-raping-her/articleshow/72411907.cms>

**Headline: Man acquitted of rape charge as woman makes 529 calls before filing complaint.**

**Date:** June 7, 2019

**Reason:** The woman refused to undergo medical examination and filed the FIR 20 days later the incident.

**Location:** New Delhi

More than 500 calls made by a woman to a man after he allegedly raped her has led the Delhi high court to rubbish the claim.

The woman, a university professor, refused to undergo internal medical examination, and took a month to register the rape complaint against a man whom she reached out to on a social networking site. Despite contradictions in her testimony, it was not until the accused was subjected to a full-fledged trial by a sessions court for two years that he was found innocent. A bench of Justice Manmohan and Justice Sangita Dhingra Sehgal has now confirmed the man's acquittal and noted that the woman's testimony "is unreliable and inspires no confidence and there are compelling reasons for rejecting her testimony".

On her allegations that she was raped under the influence of a drug given to her by the man, the HC has listed out several loopholes and noted that she "made 529 calls to the accused between 16th December, 2016 (after the date of rape) to 29th January, 2017 (before filing of the complaint). Her act of making so many repeated calls is not consistent with her allegations".

While the academic alleged that she received an invitation to attend a seminar in December 2016 at IIM (Noida campus), the bench has pointed out that specific day was a gazetted holiday due to Milad un-Nabi. In addition, the man produced an RTI reply sent by the IIM (Noida campus) where the institute confirmed that on account of the gazetted holiday, there was no seminar scheduled for the day as claimed by the professor and they had not sent any invitation to her.

In her appeal, she said she had been raped, arguing that the trial court ignored the fact that she has asthma, cannot do regular activities without medication, has a physical deformity in her left leg and is also suffering from cerebral palsy due to which it is difficult for her to raise her voice even in an emergency situation.

The complainant said that absence of consent means rape and the onus to prove otherwise is on the accused, but the HC has rejected the argument, saying it is valid only once it is proved there was a sexual contact, which wasn't established since she refused medical test.

The HC has found it strange that after she was raped in a hotel room, the woman didn't raise an alarm though the hotel is manned by security guards 24 hours and no one can enter without the permission of the guards.

"She could have easily come out of the hotel room to make a call to the police or raise an alarm or could have requested any of the hotel staff to make a call. Prosecutrix is mobile and does not suffer from such a serious disability that she could not have raised an alarm," the bench has highlighted.

It has also taken a dim view of the fact that after the alleged incident, she allowed the man to drop her to Shivaji Stadium Metro Station but waited for a month before lodging a rape complaint.

“There is a delay of 32 days in filing the FIR, according to the Trial Court or at least 20 days as admitted by the prosecutrix. According to her, there was a delay as her brother was abroad. But such an alibi on her part is difficult to accept as she is an educated lady who is gainfully employed as a Professor in a university,” the HC has observed, trashing her version as “highly unreliable, untrustworthy and inspires no confidence”.

Source: <https://timesofindia.indiatimes.com/city/delhi/man-acquitted-of-rape-charge-as-woman-makes-529-calls-before-filing-complaint/articleshow/69684046.cms>

## Case: 16



**MEN WELFARE TRUST**

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Headline: **Father acquitted of raping minor girl.**

Date: June 24, 2014

Reason: There was no medical evidence and her statement was not reliable.

Location: Mumbai

Five years after a Kandivli resident was arrested along with two others for the alleged gang rape of his daughter (9), a division bench of Justice Vijaya Kapse-Tahilramani and Justice Ajay Gadkari upheld their acquittal, citing lack of evidence.

The court held that “the version of the girl (that she was sexually assaulted by her father and his friends) is not at all supported by the medical evidence and also we find that (her) testimony is not trustworthy and reliable”.

The complainant was the girl’s grandfather and the main accuser’s father. “In view of admissions given by this witness, in our considered opinion, this child witness was tutored (by her grandfather) to give evidence as per his wish...we find that her evidence is not reliable and trustworthy,” the judges said. Advocate Arfan Sait, representing the accused, said medical evidence did not support the rape allegations.

The case dates back to 2009 when the grandfather approached cops claiming that the victim had complained of sexual assault by her father and two of his friends. The accused was arrested but acquitted in a session court in 2011. The trio was rearrested after a state appeal. But the HC upheld the acquittal.

Source: <https://timesofindia.indiatimes.com/city/mumbai/father-acquitted-of-raping-minor-girl/articleshow/37103307.cms>



Headline: **After 21 months jail, man accused of raping minor acquitted.**

Date: February 14, 2015

Reason: The child revealed that she was forced to lie.

Location: Mumbai

A Nalla Sopara man, who spent almost 21 months in jail after being charged with raping a minor in 201333, was acquitted by the Vasai court on Tuesday, after the child revealed during the camera proceedings that she had never been assaulted and that her mother forced her to lie.

The mother too confessed she falsely implicated the man as he was demanding the return of Rs.400 he loaned her husband.

The man's trouble now after returning home he found his wife and two children are missing. The neighbours said that they left home in shame months ago and the man is now searching for them plans to sue the State for Rs.1 Lakh compensation for mental trauma.

Source: <https://mumbaimirror.indiatimes.com/mumbai/crime/after-21-months-jail-man-accused-of-raping-minor-acquitted/articleshow/46239290.cms>

**Headline: SOS village inmate denies rape, refuses medical test**

**Date: September 14, 2018**

**Reason: The girl retracted her allegations and refused to undergo medical tests.**

**Location: Patiala**

A day after the police booked a former inmate of Rajpura's SOS Children's Village on the charge of raping a 16-year-old inmate; the latter on Friday retracted her allegations and refused to undergo a medical test. She now claims that her uncle had molested her.

The girl told women cops that her initial statement to the police, was given at the behest of her maternal aunt. The police then presented her in the judicial magistrate's court, where she claimed that she was not facing any problem in the SOS village. She said her aunt had instigated her to lodge false complaints of rape and sexual harassment on the premises. "We will investigate the matter thoroughly. The girl's allegations that her uncle touched her inappropriately would also be probed," said Rajpura DSP Krishan Kumar Panthe.

A case under Section 376 (rape) of the IPC and various Sections of the Protection of Children from Sexual Offences (POCSO) Act had been registered on Thursday against the ex-inmate, who is now working in Kansal, near Chandigarh. He had left the shelter home earlier this year.

District Child Protection Officer Harpreet Kaur Sandhu claimed that the five children who had fled the shelter home earlier this week – and were traced later — had been handed over to their guardians. "We will visit the SOS village and record statements. A team of senior officers from my department is also arriving from Chandigarh to ascertain the facts," she said. Meanwhile, the SOS village management denied wrongdoings on the premises and claimed that the maternal aunt of two siblings (both inmates) had a history of creating trouble for the shelter home. In February, she had visited the place without prior approval. On being questioned, she had confronted the shelter home workers. "In the present case, the aunt is alleging abuse and ill-treatment. She insists on visiting the children regularly, disturbing their schedule and not letting them settle down in the SOS village," the management claimed.

#### **Girl retracts allegations**

- The girl told women cops that her initial statement to the police, was given at the behest of her maternal aunt
- The police then presented her in the judicial magistrate's court, where she claimed that she was not facing any problem in the SOS village
- She said her aunt had instigated her to lodge false complaints of rape and sexual harassment on the premises.

**Source:** <https://www.tribuneindia.com/news/archive/punjab/sos-village-inmate-denies-rape-refuses-medical-test-653185>

Headline: **Sex consensual, rape charge doesn't stick, court acquits man**

Date: July 12, 2016

Reason: The relationship between the accused and the woman was consensual.

Location: Mumbai

In a significant order, a session court, while observing that a grown woman knows the consequences of having consensual sex, acquitted a 35-year-old man she had accused of rape and cheating.

"Considering the conduct of the prosecutrix (woman), it is possible that she was in a consensual sexual relationship with the accused. She is a major lady with one son and, therefore, very well-acquainted with and knows the consequences of a sexual relationship," the judge said.

The married woman filed the case after claiming that she was pregnant with the accused's child and that he had refused to marry her. The court said it was unclear whether the woman was in a position to marry the man legally, as she had no papers of separation to show.

The woman, who lived with her nine-year-old son, said she met the accused in July 2012. She claimed that he proposed marriage following which she told him about her first marriage and the child. The woman said the man threatened to commit suicide if she refused his proposal. She said he had been affectionate to her son and had even offered to adopt him after marriage. The woman said she initially refused but eventually gave in. The couple then began a relationship in August 2012. She said the man insisted on sexual relations by convincing her that since they were to marry, there was no hurdle.

She said that after she learnt of her pregnancy, she insisted on marriage. The man, though, refused and left her. The woman said she went to his residence and revealed everything to his family. But the man refused to even recognize her and his mother threatened her, she said.

Acquitting the man, the court said, "Considering the circumstances, a relationship between the accused and the prosecutrix is seen purely consensual. No misconception of fact is seen in giving consent by her."

Source: <https://www.timesnownews.com/india/article/sex-consensual-rape-charge-doesn't-stick-court-acquits-man/41192>

**Headline: In jail for 3 years, Mumbai driver acquitted in POCSO case as DNA test proves innocence.**

Date: August 25, 2021

Reason: The DNA test revealed that the accused was not biological father.

Location: Mumbai

After spending three years in prison, a special court under the Protection of Children from Sexual Offences (POCSO) Act acquitted a driver who was falsely accused of raping and impregnating a 13-year-old girl.

The case was lodged three years ago when on January 19, 2018 the girl visited a local doctor with complaint that she was not getting her periods. The doctor found that the minor girl was four-month pregnant and asked her to call her mother.

The girl told them that she used to go to her friend's home to play on her tablet where a man, she identified as Nadim, had raped her three to four times between September and October 2017. Her mother immediately lodged a first information report (FIR) and the girl underwent abortion at Sion Hospital in Mumbai. The girl was studying in Class 8 at that time. Her statement was recorded before the magistrate.

The police arrested a man by the same name. His DNA samples were sent for analysis to match with that of the aborted fetus. The accused told the court that he was being falsely implicated and in no way connected with the case. The DNA paternity test revealed that the accused was not the biological father.

The court said it was clear that someone else had impregnated the minor girl. The judge further noted that the investigating officer was not able to find the person who had committed the offence.

Judge Priti Kumar Ghule observed, "DNA report which is a vital document to establish the paternity of the fetus of the victim doesn't determine the accused as biological father. It is clear that the accused has not caused the minor girl's pregnancy."

According to the prosecution, the DNA report was available only after filing of charge sheet. The statement of the victim was specifically against the accused, but the DNA report was not available until charge sheet was filed.

The court observed that the victim's female friend had not given any statement in support of prosecution. She was not examined by them.

The judge said, "The prosecution has failed to prove that the accused is the person who committed the offence. It is clear that some other person is involved who has established repeated sexual intercourse and caused the victim's pregnancy."

Source: <https://www.indiatoday.in/cities/mumbai/story/in-jail-for-3-years-mumbai-driver-acquitted-as-dna-test-proves-innocence-1845084-2021-08-25>



**Headline: Father acquitted in rape case as girl says influenced by TV show.**

**Date:** February 15, 2018

**Reason:** The daughter turned hostile in court. She complained against her father after watching a TV show 'Savdhan India' which gave the impression that her father's loving kisses were "something wrong".

**Location:** New Delhi

A special court has acquitted a man accused of rape after his 11-year-old daughter turned hostile in court, saying that she had complained against him after watching the TV series 'Savdhan India', which gave her the impression that her father's "loving kisses" were "something wrong".

The girl, in her statement to the magistrate under section 164 of CrPC, said that her father had done "nothing wrong" to her. She told the magistrate that she was upset with him for fighting with her mother over petty issues. "Maine mummy aur police ko badha chadha ke bola (I exaggerated things before my mother and the police)," the girl said in her statement.

In the judgment, special court Judge Prem Kumar Barthwal said, "It is possible that the child had been tutored or won over, but in absence of any allegation in her deposition, it will be against all canons of justice to hold the accused guilty of sexually assaulting his own daughter." The girl was taken for a medical checkup after the complaint on September 9. She was also counselled by an NGO, following which her mother lodged a complaint. A case was registered the same day at New Friends Colony police station under IPC sections of rape and the POCSO Act. Since the accused was the girl's father, she was kept at the Prayas Home for girls to ensure her safety. The same day, police took her before a magistrate to record her statement under CrPC Section 164.

During the trial, the court relied on two prosecution witnesses — the girl and her mother. The mother deposed before the court that on September 9 she attended a parents-teachers meeting at the girl's school. When she confronted her daughter about her poor performance, the girl started weeping before suggesting that she had faced sexual assault. During cross-examination, the mother deposed that she had scolded her daughter for making "false allegations" against her father. The girl replied that that her parents "fought all the time", due to which her studies "were getting affected", the court noted.

After hearing all submissions, the court noted that the material witness has not supported the case and has deposed that her father did nothing wrong. "After watching the TV show Savdhan India, the girl felt that her father was doing something wrong by kissing her on the cheek and the neck," the court noted.

The court also took into account the report where her vaginal examination was found to be normal. "There is no medical or scientific evidence to support the prosecution case... In the light of the deposition, it cannot be held that the minor was sexually assaulted... and the accused is acquitted of the charges," said special Judge Barthwal.

Source: <https://indianexpress.com/article/cities/delhi/father-acquitted-in-rape-case-as-girl-says-influenced-by-tv-show-5064389/>



**Headline: In a first, daughter faces perjury case for false rape charge.**

Date: December 24, 2016

Reason: The girl had filed a fake case because of a tiff with the father.

Location: Thane

Setting a precedent, a Thane court acquitted a man facing charges of sexual harassment leveled by his minor daughter and ordered legal proceedings against her under provisions of perjury. The special judge took a serious view of the girl giving false evidence in court and ordered the proceedings to give out a strong message against misuse of the stringent Protection of Children from Sexual Offences Act (POCSO).

In August 2013, the girl, who was then 16 years old, had in a complaint to the police alleged that while she was sleeping with her parents her father touched her inappropriately and even raped her on several occasions, said the prosecutor. Her father, a daily wage worker, was booked under POCSO and arrested by the Navi Mumbai police in April 2014.

During her deposition in court, the girl confessed that she had filed a false complaint against her father after a tiff with him. “A strong message should be given to society that the POCSO Act should not be misused,” the court said.

“The complainant has undoubtedly misused the provisions of POCSO Act and lodged a false complaint against her own father, thereby causing him grave hardship, mental agony and trauma. He has spent close to three years in jail owing to serious allegations leveled against him,” the order said.

Source: <https://timesofindia.indiatimes.com/city/mumbai/perjury-case-against-girl-for-false-rape-charge-against-father-sexual-harassment-case-on-father/articleshow/56148188.cms>

Headline: **Accused of raping a minor, cop acquitted after court finds he was on duty**

Date: August 29, 2021

Reason: The girl registered a fake case

Location: Mumbai

A special Protection of Children from Sexual Offences (PoCSO) court acquitted a police driver in connection with a case of sexually assaulting a minor girl in 2018, ruling out his presence at his home at the alleged time. The accused worked as a driver in the police department and resided in the police quarters. The complainant was the police driver's neighbour, who alleged that the accused sexually assaulted their 15-year-old daughter who studied in 9th grade.

The incident took place when family members of the accused were visiting their native home for Diwali in 2018. On November 10, at about 9.30 pm, the accused requested the victim to come to his house for some work. It was alleged that as the victim was returning home, the accused embraced her from behind and pulled her close, infuriating her modesty. The girl then disclosed the incident to her family and an FIR was registered against the police driver.

Meanwhile, the accused told the court that he was falsely implicated as he had reprimanded the minor about 'indecent acts' with a boy on their building terrace. Her mother had slapped the girl and dragged her home on being informed, he claimed.

The police driver stated that he had been on duty at the said time that was pointed out by the girl. He also produced the duty logbook to prove his case.

“It is not acceptable that, while on duty the accused came home at 9.30 pm, removed his dress, was in underwear, committed the act then got dressed up and returned on duty, to show himself present on the duty till 10 pm,” said the court.

“It is seen [that] accused was on duty, at police station which is at a distance of 23 minutes away by vehicle from his house. Hence, it was not possible for him to come to the house at 9.30 pm, do the incident and return before 10,” the court added.

Source: <https://www.indiatoday.in/law/story/mumbai-accused-of-raping-minor-cop-acquitted-after-court-finds-he-was-on-duty-1846826-2021-08-29>

**Headline: Filed false case against dad to avoid marriage.**

**Date:** December 24, 2016

**Reason:** The girl admitted that her accusation was false as her father wanted her to get married to a person whom she did not like.

**Location:** Mumbai

The 16-year-old girl, who framed her father in a false sexual harassment case, had done it as he had planned to get her married off (in 2014) to a person whom she disliked. This was revealed after the acquittal of the father by the court.

Towards the end of deposition the girl admitted that she had earlier deposed falsely.

The special judge Mrudula Bhatia, taking a serious view of the false evidence in the court ordered legal proceedings against her under provisions of perjury. The judge clearly pointed out that the girl was admittedly a major at the time of deposition and therefore could be prosecuted for offence of perjury.

The teenager was raised since birth by grandparents in their native town of Jaunpur in Uttar Pradesh. In 2013, she came to live with her parents in Navi Mumbai. Later, in August 2013, the girl who was then aged 16, approached the police and in her complaint accused her biological father of raping and molesting her on number of occasions.

It later transpired that the father, who was lodged in jail since last two-and-half-years, had also opposed her friendship with boys and hence wanted her to get married and he had even found a groom in Nalasopara. It was on Thursday, that special judge Mrudula Bhatia acquitted the 40-year-old father from the serious charges of sexual harassment.

All the elements that should support the stand of the girl in the case went against her including the medical reports of the girl or her father's which yielded no results, said Sangita Phad, the district government pleader and the prosecutor.

Phad, who was defending the girl in the court, moved application against her under IPC section 193 (punishment for false evidence) and submitted that she has deposed falsely and perjury proceedings should be initiated against her. The judge pointed out, "her testimony did not inspire any confidence as her demeanour, mannerism and body language totally belied her deposition."

The special judge ordered legal proceedings against her under provisions of perjury as she was a major at the time of deposition. Bhatia said it will give out a strong message that the POCSO Act should not be misused.

**Source:** <https://timesofindia.indiatimes.com/city/mumbai/filed-false-rape-case-against-dad-to-avoid-marriage/articleshow/56161178.cms>

Headline: Two acquitted in rape.

Date: April 5, 2018

Reason: The court observed a lot of contradictions in the statement of the women.

Location: Chandigarh

The Chandigarh district court acquitted two persons in a rape case of a 37-year-old lady in July 2017.

The court of additional district and sessions judge Poonam R Joshi acquitted the two identified as Babu Ram, 41, supervisor and Gopal, 45, store-manager at a Mercedes Benz showroom, Industrial Area. They were acquitted under Sections 323, 376 and 506 of the Indian Penal Code (IPC). The prosecution failed to prove the case which led to their acquittal. The matter dates back June 16, 2017 when they were booked by cops after a complaint was filed by the rape survivor, a mother of two, on July 1, 2017. As per the complaint, Babu Ram allegedly entered her house and allegedly raped her and threatening her that he would kill her daughter.

It was also alleged that the accused would regularly visit her house in the absence of her husband. She had further deposed before the court that since her husband was out of town between June 16 to June 21 last year, she was only able to file the complaint after she confided in her husband about the incident once he returned. The accused were arrested and booked on July 16 after the woman's medical was conducted.

However the defence counsel Meenu Jajoria had argued that that one of the accused was a distant relative of the rape survivor. She also used to call up Babu Ram when she would be alone at home. She also claimed that Gopal started accompanying Babu Ram. There were contradictions in her claims before court. After the arguments, the court stated that the prosecution couldn't prove the guilt.

Source: <https://timesofindia.indiatimes.com/city/chandigarh/two-acquitted-in-rape-case/articleshow/63624023.cms>

## WHAT IS IPC SECTION 375?

### Section 375 in The Indian Penal Code

375. Rape.—A man is said to commit “rape” who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the seven following descriptions:—

*First* - Against her will.

*Secondly* - Without her consent.

*Thirdly*- 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 of hurt.

*Fourthly*- 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 or believes herself to be lawfully married.

*Fifthly*- With her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

*Sixthly*- With or without her consent, when she is under eighteen years of age.

*Seventhly*- When she is unable to communicate consent.

*Explanation 1.* For the purposes of this section, "vagina" shall also include labia majora.

*Explanation 2.* Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act:

Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.

Exception 1. A medical procedure or intervention shall not constitute rape.

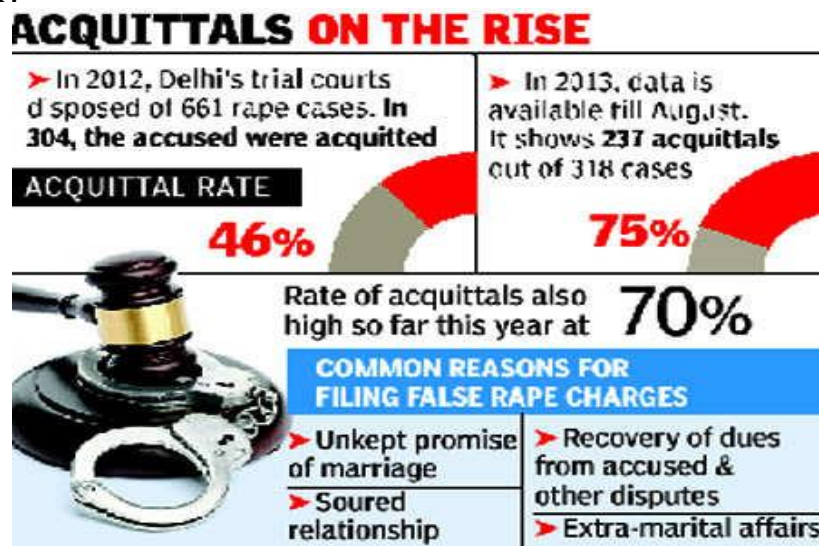
Exception 2. Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape.

## False Accusation of Rape

Strengthening of the law against sexual offenses after the Nirbhaya case has led to an increase in false cases. Statistics on the disposal of rape cases in Delhi's trial courts show a sharp increase in the acquittal rate after the infamous December 16, 2012, gang rape.

While in 2012, the acquittal rate in rape cases was 46%, in the first eight months of 2013 it shot up to 75%. Sources said acquittals remain high this year as well, accounting for around 70% of the cases. Legal experts say the high acquittal rates are because of a spurt in the number of false rape cases being filed.

"This is an unfortunate trend. In many cases, women come up with the plea that they had registered the case out of anger and due to misunderstanding," said additional public prosecutor A T Ansari. The law is being misused leading to an increase in the acquittal rate. "In around 90% of acquittal cases, the victim turns hostile. Mostly, it turns out to be a case of a relationship gone bad. The sex is consensual but the victim claims that the consent was given on account of promise of marriage," said a senior public prosecutor.



In most of the cases the reason for registering false cases are extortion, recovery of dues, property disputes, extra marital affairs and argument or disagreement on a issue.

Recently the Delhi High Court expressed worry that there is an increase of rape cases being registered “only to arm-twist the accused and make them succumb to the demands of the complainant”.

Justice Subromonium Prasad made the observation while rejecting a plea seeking to quash a First Information Report for offence of rape, in which the parties pleaded that they had amicably resolved the issue and entered into a compromise. Justice Prasad said adding, “allegations regarding offences such as one under Section 376 IPC cannot be made at the drop of a hat — in order to settle personal scores”.

“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,” Justice Prasad said.

Justice Prasad said the time spent by the police in investigating false cases hindered them from spending time in investigation of serious offences. “It leads to faulty investigations and the accused end up going scot-free. Valuable judicial time is also spent in hearing cases where false allegations are made and is consequently an abuse of the process of law,” he added.

Statistics by National Crime Records Bureau (NCRB) show that about 74% of rape cases under Section 376 of the Indian Penal Code result in acquittals. Studies have shown that out of these, 40% cases are of a girl’s family filing rape case on the boy, after the couple has eloped to marry. Further, 30% cases are filed by women who allege that intercourse took place following false promise of marriage.

There were **28,046** rape cases registered in India in 2020. Of these, **3,375** were closed by Police citing as false and overall **5,015** cases were closed by police either because they were false or there was a mistake of fact or law or it was a civil dispute etc.

The false allegation of rape can destroy the life and career of the accused. The accused in a false rape case loses his honour and cannot face his family and is stigmatized for



life. It also affects his mental health and many of them even go into depression and trauma due to false allegations.



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**Helpline For Men**

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