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# THE SCOPE OF SECTION 22 OF THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012: A DOCTRINAL ANALYSIS AND PROPOSED INTERPRETATIVE FRAMEWORK

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**Abstract**

The Protection of Children from Sexual Offences Act, 2012 (POCSO Act) was enacted to establish a comprehensive legal framework for protecting children from sexual abuse through specialised procedures and stringent penal provisions. Within this framework, Section 22 occupies a distinct position by imposing criminal liability for intentionally false complaints and false information. Despite its significance, the provision has received limited doctrinal attention, particularly regarding the interpretation of the expressions "false complaint" and "false information" and the circumstances under which criminal liability arises. The present study undertakes a doctrinal analysis of Section 22 by examining the statutory framework, judicial decisions, and existing academic literature. The study argues that the principal challenge surrounding the provision arises not from a lack of statutory authority but from the absence of a structured interpretative methodology to ensure consistent application. The study further identifies unresolved doctrinal questions concerning complaints containing intentionally fabricated factual assertions and the legal distinction between "false complaint" and "false information." In response to these interpretative uncertainties, the article proposes a structured analytical framework synthesising statutory provisions, judicial principles, and established doctrines of criminal law. The proposed framework seeks to promote consistency, transparency, and doctrinal clarity while preserving the child-protective philosophy underlying the POCSO Act. The study concludes that a balanced interpretation of Section 22 is essential to reconcile the dual objectives of encouraging genuine reporting and preventing the deliberate misuse of the criminal justice process.

**Keywords –** False Complaint, False Information, Judicial Interpretation, Criminal Liability, Child Protection**.**

## I. INTRODUCTION

The Protection of Children from Sexual Offences Act, 2012 (POCSO Act) was enacted to establish a comprehensive legal framework for the protection of children from sexual abuse, sexual harassment, and exploitation. Recognising the vulnerability of children within the criminal justice system, Parliament introduced specialised offences, child-friendly procedures, and stringent punishments intended to ensure both effective prosecution and the welfare of child victims. Over the

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years, the Act has emerged as one of the most significant legislative measures in India addressing crimes against children. Although the primary objective of the POCSO Act is the protection of children, the statutory framework also recognises the need to prevent the deliberate misuse of criminal proceedings. Section 22 of the Act occupies a unique position in this regard by imposing criminal liability on any person who makes a false complaint or provides false information concerning certain offences under the Act with the intention to humiliate, extort, threaten, or defame another person. The provision further grants immunity to children who make false complaints while providing enhanced protection where false accusations are directed against children. [1]

Despite its importance, Section 22 remains comparatively under-examined in legal scholarship. Academic discussions concerning the POCSO Act have largely concentrated on substantive offences, procedural safeguards, evidentiary presumptions, and issues relating to child protection. The operation of Section 22, however, has received limited doctrinal attention. Questions concerning the meaning of the expressions "false complaint" and "false information", the threshold for invoking criminal liability, and the relationship between Sections 19 and 22 continue to remain insufficiently explored. Judicial decisions interpreting Section 22 reveal that courts have consistently adopted a cautious approach towards its application. Mere acquittal of the accused or the failure of the prosecution to establish guilt beyond reasonable doubt does not automatically justify proceedings under Section 22. Instead, courts have emphasised the necessity of proving intentional falsity and the statutory mental element prescribed under the provision.[2]Nevertheless, the reported decisions do not establish a structured analytical framework capable of guiding courts in determining when criminal liability under Section 22 arises.

The absence of statutory definitions and the limited judicial guidance create important interpretative questions. In particular, neither the statutory text nor the existing jurisprudence clearly explains how courts should approach complaints containing multiple factual assertions, some of which may subsequently be found to be intentionally fabricated. Similarly, the interaction between the mandatory reporting obligation under Section 19 and the accountability mechanism embodied in Section 22 remains uncertain. Against this background, the present study undertakes a doctrinal examination of Section 22 of the POCSO Act. By analysing statutory provisions, judicial decisions, and academic literature, the study seeks to identify the unresolved doctrinal issues surrounding the provision and proposes a structured interpretative framework intended to assist in its consistent

[1] The Protection of Children from Sexual Offences Act, No. 32 of 2012, Sec 22.
[2] *N. Chandramohan v. State*, 2019-2-L.W. (Crl.) 460; *Aravind v. State of Kerala*, 2024 Supreme (Online) Ker 461467.

application. The article argues that the principal challenge concerning Section 22 lies not in the absence of legislative authority but in the absence of a coherent methodology capable of reconciling the objectives of child protection and procedural fairness.

### *Statement of the Problem*

Although Section 22 of the Protection of Children from Sexual Offences Act, 2012 was enacted to deter the intentional misuse of criminal proceedings, the provision raises several unresolved doctrinal questions. Section 22 criminalises making a "false complaint" and furnishing "false information" concerning offences under Sections 3, 5, 7, and 9 of the Act. However, the statute does not define either expression. Unlike other provisions of the POCSO Act, which prescribe detailed procedural safeguards and substantive standards, Section 22 leaves crucial questions of interpretation to judicial determination.[3] The absence of statutory definitions has generated uncertainty regarding the scope of criminal liability under the provision. Neither the Act nor the Bharatiya Nagarik Suraksha Sanhita, 2023 expressly clarifies whether the expressions "complaint" and "information" are synonymous or whether they refer to distinct legal concepts. Section 2(1)(h) of the Bharatiya Nagarik Suraksha Sanhita (BNSS) defines a complaint as an allegation made orally or in writing to a Magistrate with a view to taking action under the Sanhita, excluding a police report.[4] However, the POCSO Act employs the expression "information" in multiple provisions without providing a corresponding definition. Sections 19 and 20 impose reporting obligations, Section 22 criminalises false information, and Section 23 refers to authentic information in the context of media reporting. The legislative scheme, therefore, recognises the importance of information while remaining silent as to its precise legal character.

The uncertainty surrounding these expressions becomes particularly significant in the context of criminal proceedings. An acquittal does not necessarily imply that the complaint was false. Criminal prosecutions may fail for a variety of reasons, including insufficient evidence, hostile witnesses, procedural defects, or the inability of the prosecution to establish guilt beyond reasonable doubt. Consequently, the legal threshold required for invoking Section 22 remains uncertain. The statutory language suggests that criminal liability arises only where the complaint or information was knowingly false and motivated by the intention to humiliate, extort, threaten, or defame. Yet, neither the statute nor the reported judicial decisions provide a structured methodology for determining the existence of such intentional falsity.[5] Another unresolved issue concerns complaints containing

[3] The Protection of Children from Sexual Offences Act, No. 32 of 2012, Sec 22.
[4] Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, Sec 2(1)(h).
[5] *XXX v. State of Kerala*, Crl. M.C. No. 714 of 2022 (Ker.); *Aravind v. State of Kerala*, 2024 Supreme (Online) Ker 461467.

multiple factual assertions. In practice, a complaint may contain several statements relating to different aspects of the alleged offence. While some assertions may ultimately be substantiated by evidence, others may prove inaccurate or deliberately fabricated. The POCSO Act does not expressly indicate whether Section 22 applies only where the complaint as a whole is false or whether proceedings may also arise where particular factual assertions within an otherwise genuine complaint are intentionally fabricated. The available judicial decisions do not conclusively address this question.

The relationship between Sections 19 and 22 creates an additional interpretative challenge. Section 19 encourages the reporting of suspected offences and protects persons who provide information in good faith, whereas Section 22 imposes criminal liability for false complaints and false information. The Act does not expressly explain how these provisions are to be reconciled. Excessive use of Section 22 may discourage genuine reporting, while an unduly narrow interpretation may weaken the accountability mechanism intended by Parliament. The present study argues that these uncertainties reveal a broader doctrinal problem. Existing literature and judicial decisions acknowledge the importance of Section 22 but do not provide a coherent interpretative framework capable of guiding its application. The absence of such a framework has resulted in an overreliance on fact-specific adjudication, thereby limiting doctrinal clarity and consistency. The research therefore seeks to address this gap by proposing an interpretative methodology grounded in the statutory text, judicial principles, and established doctrines of criminal law.

### *Research Questions*

The present study seeks to answer the following research questions:

1. What is the legal scope and purpose of Section 22 of the Protection of Children from Sexual Offences Act, 2012?
2. How have courts interpreted the expressions "false complaint" and "false information" under Section 22?
3. Does the acquittal of an accused person automatically justify the initiation of proceedings under Section 22?
4. What unresolved doctrinal issues continue to exist concerning the interpretation and application of Section 22?
5. How may a structured interpretative framework contribute to the consistent and principled application of Section 22 while preserving the protective objectives of the POCSO Act?

### *Research Objectives*

The present study is guided by the following objectives:

**Primary Objective**

- To examine the scope and interpretation of Section 22 of the Protection of Children from Sexual Offences Act, 2012.

**Secondary Objectives**

- To analyse the statutory expressions "false complaint" and "false information" employed under Section 22.
- To examine the judicial principles governing the invocation and application of Section 22.
- To identify the unresolved doctrinal questions arising from the statutory framework and the existing judicial decisions.
- To analyse the relationship between the reporting obligation under Section 19 and the accountability mechanism embodied in Section 22.
- To propose an interpretative framework intended to facilitate the consistent application of Section 22.

### *Research Methodology*

The present research adopts a doctrinal methodology. The study primarily relies upon statutory interpretation, judicial decisions, academic literature, and established principles of criminal law to examine the scope and operation of Section 22 of the Protection of Children from Sexual Offences Act, 2012. The research does not undertake empirical analysis or rely upon statistical data concerning the prevalence of false complaints under the Act. Instead, it focuses upon the legal principles governing the interpretation and application of Section 22.

The doctrinal analysis undertaken in this study proceeds through three interrelated stages. First, the research examines the statutory framework governing false complaints and false information under the POCSO Act, with particular emphasis upon the relationship between Sections 19 and 22. Secondly, the study analyses the available judicial decisions interpreting Section 22 and identifies the principles emerging from the existing jurisprudence. Finally, the study evaluates the doctrinal gaps that continue to exist and proposes an interpretative framework designed to promote consistency and transparency in the application of the provision.

The study relies upon primary sources, including the Protection of Children from Sexual Offences Act, 2012, the Bharatiya Nagarik Suraksha Sanhita, 2023, and the judicial decisions of the High Courts. Secondary sources, including academic articles, commentaries, and the Law Commission of

India's Report No. 283, have also been examined to identify the existing state of scholarship concerning Section 22.

The scope of the present research is confined to doctrinal analysis. It does not examine the frequency of false complaints, the statistical operation of Section 22, or comparative approaches adopted in foreign jurisdictions. The study is therefore intended to contribute to the legal understanding of Section 22 rather than to provide an empirical assessment of its practical operation.

### *Significance of the Study*

The significance of the present study lies in its attempt to address an area of the POCSO Act that has received comparatively limited doctrinal attention. Existing scholarship has largely focused upon the substantive offences created under the Act, the evidentiary presumptions contained in Sections 29 and 30, and the procedural safeguards available to child victims. In contrast, Section 22 has remained relatively under-examined despite its importance as a statutory mechanism designed to prevent the intentional misuse of criminal proceedings.

The study contributes to the existing literature in three principal respects. First, it identifies the interpretative uncertainties arising from the absence of statutory definitions for the expressions "false complaint" and "false information". Secondly, it examines the judicial principles governing the application of Section 22 and highlights the absence of a structured analytical methodology in the existing jurisprudence. Thirdly, the study proposes an interpretative framework intended to facilitate greater consistency in the application of the provision.

The research further contributes to contemporary debates concerning the balance between child protection and procedural fairness. By examining the relationship between Sections 19 and 22 of the POCSO Act, the study demonstrates that the effective protection of children and the prevention of deliberate misuse are complementary objectives rather than competing values. The findings of the study may therefore assist courts, legal practitioners, researchers, and policymakers in understanding the scope and operation of Section 22.

## II. LITERATURE REVIEW

The Protection of Children from Sexual Offences Act, 2012 has generated substantial academic discussion concerning child protection, evidentiary presumptions, procedural safeguards, and the prosecution of sexual offences against children. However, comparatively little scholarly attention has been devoted to Section 22 of the Act, which imposes criminal liability for false complaints and false information. The existing literature primarily examines issues relating to the misuse of criminal

law, judicial approaches to false accusations, and the broader tension between child protection and procedural fairness. Nevertheless, important doctrinal questions concerning the scope and application of Section 22 remain unresolved.

The present chapter reviews the principal scholarly contributions relevant to the study and identifies the gaps that justify the present research.

### *Mukesh Yadav and Rakesh Gorea (2024)*

Mukesh Yadav and Rakesh Gorea, in their article *Medicolegal and Social Issues of False Implication and Abuse of Process of Law in POCSO Cases: A Critical Review,* examined the social and legal consequences arising from false implication under the POCSO Act.[6] The authors discuss the difficulties faced by accused persons, the psychological consequences of false allegations, and the broader implications of misuse within the criminal justice system.

The article also analyses several judicial decisions dealing with false implication and abuse of process. The authors highlight concerns regarding the misuse of legal provisions and emphasise the importance of balancing the rights of victims and accused persons. However, the article does not undertake a detailed examination of Section 22 of the POCSO Act. In particular, it does not define the expressions "false complaint" or "false information", distinguish between different forms of falsity, or propose a structured methodology for determining when Section 22 may be invoked. Although the study contributes to the broader discourse concerning misuse under the POCSO Act, its focus remains predominantly medico-legal and sociological rather than doctrinal.

### *Jai Pratap Singh and Reshma Umair (2026)*

Jai Pratap Singh and Reshma Umair, in their article *Judicial Approach to False Complaints under the POCSO Act, 2012: An Analysis of Recent Indian Case Laws*, provide one of the most direct scholarly engagements with Section 22.[7] The authors examine the statutory provision, analyse judicial decisions, and discuss the circumstances in which courts have considered proceedings relating to false complaints.

The article acknowledges that Section 22 functions as an accountability mechanism intended to prevent deliberate misuse of criminal proceedings. It discusses several High Court decisions, including *Aravind v. State of Kerala*, *XXX v. State of Kerala*, and *N. Chandramohan v. State*, and proposes certain legislative and institutional reforms.

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[6] Yadav, M., & Gorea, R. (2024). Medicolegal and social issues of false implication and abuse of process of law in POCSO cases: A critical review. *International Journal of Ethics, Trauma & Victimology, 10*(1), 28–31.

[7] Singh, J. P., & Umair, R. (2026). Judicial approach to false complaints under the POCSO Act 2012: An analysis of recent Indian case law. *International Journal of Human Rights Law Review, 5*(1), Article 08.

However, despite its significant contribution, the article leaves several doctrinal questions unanswered. The authors do not distinguish between "false complaint" and "false information", nor do they examine the relationship between Sections 19 and 22 of the POCSO Act. Most importantly, the article does not propose a structured analytical methodology capable of guiding courts in determining whether criminal liability under Section 22 should arise in a particular case.

***Abhishank Kumar (2025)***

In *False Allegations and Legal Integrity: A Critical Analysis of the Misuse of Rape Laws in India*, Abhishank Kumar examines the phenomenon of false allegations within the broader context of sexual offence legislation in India.[8] The author defines false allegations as accusations that are knowingly fabricated or deliberately misrepresented and analyses their implications for legal integrity and procedural fairness.

The article identifies various factors that may contribute to false accusations, including personal animosity, ulterior motives, and evidentiary inconsistencies. It also discusses judicial decisions concerning false charges and emphasises the importance of protecting the rights of the accused.

Nevertheless, the study does not distinguish between false complaints and false allegations as separate legal concepts. The terms are largely used interchangeably, and the article does not specifically address the statutory framework of Section 22 of the POCSO Act. Similarly, while the author discusses the evidentiary difficulties associated with false accusations, no structured legal test or interpretative framework is proposed.

***Law Commission of India Report No. 283 (2023)***

The Law Commission of India, in its 283rd Report titled *Age of Consent under the Protection of Children from Sexual Offences Act, 2012*, examined several issues concerning the implementation of the POCSO Act.[9] The report primarily focuses on the age of consent, consensual adolescent relationships, and the broader objectives of child protection legislation.

Although the report refers to judicial decisions and proposes statutory reforms concerning various provisions of the POCSO Act, it does not undertake a detailed analysis of Section 22. The expressions "false complaint" and "false information" remain unexplored, and the report does not address the doctrinal challenges associated with the interpretation of the provision.

[8] Kumar, A. (2025, July 1). False allegations and legal integrity: A critical analysis of the misuse of rape laws in India. *The Lawway with Lawyers Journal, 25*(25).

[9] Law Commission of India. (2023). *The age of consent under the Protection of Children from Sexual Offences Act, 2012* (Report No. 283). Government of India.

Consequently, while the report provides valuable context concerning the legislative objectives underlying the POCSO Act, it offers limited guidance regarding the scope and operation of Section 22.

### *Research Gap*

The review of the existing literature demonstrates that, although scholars have examined the misuse of criminal law and the operation of Section 22, important doctrinal questions remain unresolved. The existing scholarship suffers from four principal limitations.

First, none of the reviewed studies provides a comprehensive analysis of the relationship between the statutory expressions "false complaint" and "false information".

Secondly, the literature does not adequately examine the interaction between the mandatory reporting obligation contained in Section 19 and the accountability mechanism embodied in Section 22.

Thirdly, the existing studies do not address the unresolved issue of complaints containing multiple factual assertions, some of which may subsequently be found to be intentionally fabricated.

Finally, and most importantly, none of the reviewed literature proposes a structured interpretative methodology capable of guiding courts in determining when criminal liability under Section 22 arises.

The present study seeks to address these gaps through a doctrinal examination of the statutory framework, judicial decisions, and existing scholarship, culminating in the proposal of an interpretative framework intended to promote greater consistency and doctrinal clarity in the application of Section 22.

## III. STATUTORY ANALYSIS OF SECTION 22 OF THE POCSO ACT

The interpretation of Section 22 of the Protection of Children from Sexual Offences Act, 2012 presents a unique doctrinal challenge within Indian criminal law. Unlike the substantive offences contained in the Act, which clearly define prohibited conduct and prescribe punishment, Section 22 seeks to address the misuse of the criminal process by penalising false complaints and false information. The provision occupies a distinct position within the statutory framework because it attempts to reconcile two competing objectives: the encouragement of genuine reporting and the prevention of deliberate abuse.

Despite its significance, Section 22 remains largely undefined in both statutory language and judicial interpretation. The provision does not define its key expressions, nor does it prescribe a clear

methodology for determining when criminal liability arises. Consequently, the scope and operation of Section 22 must be understood through a close examination of the statutory text and its relationship with other provisions of the Act.

### *Text and Structure of Section 22*

Section 22 consists of three sub-sections.

Section 22(1) provides:

Any person who makes a false complaint or provides false information against any person in respect of offences punishable under Sections 3, 5, 7, and 9 of the Act, with the intention to humiliate, extort, threaten, or defame, shall be punished with imprisonment which may extend to six months, or with fine, or with both.[10]

Section 22(2) grants immunity to children by providing that no punishment shall be imposed where a false complaint or false information has been provided by a child.

Section 22(3) creates enhanced protection in cases where an adult knowingly makes a false complaint against a child.

A textual reading of the provision reveals three important characteristics.

First, criminal liability does not arise merely because a complaint ultimately fails. The statute specifically requires that the complaint or information must be false.

Secondly, Section 22 incorporates a clear mental element by requiring proof of intention to humiliate, extort, threaten, or defame.

Thirdly, Parliament consciously adopted a differentiated approach by protecting children from liability under Section 22(2).

The structure of the provision therefore demonstrates that Section 22 was intended to function as a narrowly tailored accountability mechanism rather than as a general penalty for unsuccessful prosecutions.

### *The Meaning of "Complaint"*

The POCSO Act does not define the expression "complaint." Consequently, guidance must be sought from the Bharatiya Nagarik Suraksha Sanhita, 2023. Section 2(1)(h) of the Bharatiya Nagarik Suraksha Sanhita defines a complaint as:

[10] The Protection of Children from Sexual Offences Act, No. 32 of 2012, S 22

Any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Sanhita, that some person, whether known or unknown, has committed an offence, but does not include a police report.[11]

The statutory definition reveals two important features. First, a complaint may be made either orally or in writing. Secondly, the definition emphasises that the complaint must be directed towards securing legal action.

However, the application of this definition within the POCSO framework is not straightforward. Section 22 employs the expression "false complaint" without expressly incorporating the definition contained in the BNSS. Furthermore, POCSO proceedings often commence through information provided to the police under Section 19 rather than through a formal complaint before a Magistrate. This raises an important interpretative question: whether the expression "complaint" under Section 22 should be understood in its technical procedural sense or whether Parliament intended to adopt a broader meaning encompassing allegations communicated through other mechanisms. The statute does not expressly answer this question.

### *The Meaning of "Information"*

Unlike the term "complaint," the POCSO Act uses the expression "information" in several provisions.

Section 19(1) requires any person who has apprehension that an offence is likely to be committed or has knowledge that an offence has been committed to provide such information to the police or the Special Juvenile Police Unit.[12]

Section 19(7) protects individuals who provide information in good faith from civil or criminal liability.

Section 20 imposes reporting obligations upon media personnel and institutions.

Section 22 criminalises the provision of false information.

Section 23 refers to authentic information in the context of media reporting.

Section 33 protects information that may reveal the identity of the child.

Although the Act repeatedly employs the term, it does not define it. A close reading of these provisions suggests that "information" under the POCSO Act is broader than a formal complaint. Information may include oral communication, written reports, or factual assertions communicated

[11] Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, S 2(1)(h).
[12] The Protection of Children from Sexual Offences Act, No. 32 of 2012, S 19.

to the authorities concerning the commission of an offence. However, the relationship between information and complaint remains uncertain. Section 22 uses both expressions side by side: "false complaint" and "false information." Ordinarily, where Parliament uses different words within the same provision, courts presume that those expressions were intended to convey different meanings. Consequently, the simultaneous use of both terms suggests that Parliament did not consider them interchangeable. Nevertheless, the Act provides no guidance regarding the precise distinction.

### *Relationship Between Sections 19 and 22*

Sections 19 and 22 perform different but interconnected functions within the statutory framework.

Section 19 encourages prompt reporting by imposing a legal duty upon individuals possessing knowledge of offences under the Act. At the same time, Section 19(7) protects those who provide information in good faith.

Section 22, in contrast, operates as an accountability mechanism intended to discourage the intentional misuse of criminal proceedings.

The relationship between these provisions is crucial because an excessively broad interpretation of Section 22 may undermine the reporting obligations established under Section 19. Individuals may hesitate to report suspected offences if they fear criminal prosecution whenever allegations remain unproved. Conversely, an unduly narrow interpretation of Section 22 risks rendering the accountability mechanism ineffective.

The legislative objective underlying the POCSO Act requires both provisions to be interpreted harmoniously. The statutory scheme indicates that Parliament intended to encourage genuine reporting while simultaneously preventing deliberate abuse.

### *Unresolved Interpretative Questions*

The foregoing analysis reveals several unresolved doctrinal questions.

First, the Act does not define the expressions "false complaint" and "false information." Secondly, the relationship between these expressions remains uncertain. Thirdly, neither the statute nor the available judicial decisions explain whether Section 22 applies only where the complaint as a whole is false or whether criminal liability may arise where individual factual assertions within a complaint are intentionally fabricated.

This issue assumes particular importance in practice. Complaints often contain multiple factual assertions concerning different aspects of the alleged conduct. Some assertions may ultimately be

established by evidence, while others may not. The statute does not indicate how courts should approach such situations. Finally, Section 22 does not prescribe any structured methodology for determining whether criminal liability arises. While the provision identifies the relevant mental element, it remains silent regarding the sequence of legal questions that courts should consider before initiating proceedings. These interpretative uncertainties constitute the central doctrinal problem addressed by the present study.

## IV. JUDICIAL INTERPRETATION OF SECTION 22

The judicial interpretation of Section 22 of the Protection of Children from Sexual Offences Act, 2012 remains relatively limited. Unlike other provisions of the Act, Section 22 has not yet been comprehensively interpreted by the Supreme Court of India. Consequently, the existing understanding of the provision is primarily derived from the decisions of various High Courts.

The available jurisprudence demonstrates three recurring themes. First, courts consistently reject the proposition that acquittal alone is sufficient to attract criminal liability under Section 22. Secondly, judicial decisions emphasise the necessity of proving intentional falsity and the statutory mental element prescribed by the provision. Thirdly, courts have adopted a cautious approach in invoking Section 22 in order to avoid discouraging genuine complaints. The following discussion analyses the principal judicial decisions that have shaped the interpretation of Section 22.

### *Aravind v. State of Kerala*

In *Aravind v. State of Kerala*, the Kerala High Court examined the scope of Section 22 in the context of allegations concerning offences under the POCSO Act.[13] The Court observed that Section 22 does not operate as an automatic consequence of acquittal and emphasised that criminal liability under the provision requires proof that the complaint or information was knowingly false.

The Court further recognised that the mere failure of the prosecution to establish guilt beyond reasonable doubt cannot, by itself, justify proceedings under Section 22. A criminal trial may culminate in acquittal for several reasons, including evidentiary insufficiency, hostile testimony, or procedural defects. Accordingly, the Court stressed the need for an independent examination of the evidence before invoking Section 22.

The decision is significant because it reinforces the principle that Section 22 is intended to punish deliberate misuse rather than unsuccessful prosecution.

[13] *Aravind v. State of Kerala*, 2024 Supreme (Online) Ker 461467

**Judicial Principle Established**

- Acquittal alone does not establish falsity.
- Intentional fabrication must be independently proved.
- Section 22 operates as an accountability mechanism and not as a punishment for failed prosecutions.

### *XXX v. State of Kerala*

In *XXX v. State of Kerala*, the Kerala High Court considered the circumstances under which proceedings under Section 22 may be initiated.[14] The Court examined the statutory language and emphasised that the provision applies only where false complaints or false information are knowingly provided with the intention specified in the statute.

The judgment is particularly important because it highlights the limited scope of Section 22. The Court observed that the provision is confined to allegations relating to offences punishable under Sections 3, 5, 7, and 9 of the Act and cannot be mechanically extended to every unsuccessful prosecution.

The decision further demonstrates judicial reluctance to invoke Section 22 without clear evidence of malicious intent. The Court recognised that an expansive interpretation of the provision may discourage individuals from reporting suspected offences.

**Judicial Principle Established**

- Section 22 has a limited statutory scope.
- Criminal liability depends upon proof of intentional falsity.
- The provision should not be interpreted in a manner that discourages genuine reporting.

### *N. Chandramohan v. State*

The Madras High Court, in *N. Chandramohan v. State*, examined allegations that were ultimately found to be false and directed the police authorities to consider proceedings under Section 22.[15] The judgment illustrates the circumstances in which courts may invoke the accountability mechanism provided by the POCSO Act.

[14] *XXX v. State of Kerala*, Crl. M.C. No. 714 of 2022 (Ker.).
[15] *N. Chandramohan v. State*, 2019-2-L.W. (Crl.) 460.

Unlike cases involving mere acquittal, the Court identified material suggesting that the complaint had been deliberately fabricated. The decision therefore demonstrates that Section 22 remains available where there is sufficient evidence establishing intentional misuse of the criminal process. At the same time, the Court did not suggest that every failed prosecution automatically attracts liability. Rather, the judgment indicates that proceedings under Section 22 require a specific judicial finding supported by evidence.

### *Judicial Principle Established*

- Section 22 may be invoked where deliberate fabrication is established.
- Judicial findings must be based upon evidence rather than suspicion.
- The provision operates only after an independent assessment of falsity.

### *Supporting Judicial Authorities*

The broader judicial understanding of Section 22 may also be derived from decisions such as *Mikavel v. State of Tamil Nadu*, *X v. State (NCT of Delhi)*, *Court on Its Own Motion v. XXXX (Victim Girl)*, and *P. Saravanan v. S. Prabhu*.[16]

Although these decisions do not comprehensively interpret Section 22, they provide guidance concerning the evidentiary standards applicable to criminal trials under the POCSO Act. The courts have repeatedly emphasised that criminal liability must be determined through careful judicial scrutiny of the evidence rather than through assumptions arising from acquittal or inconsistencies in testimony. Collectively, these decisions reinforce the principle that criminal adjudication under the POCSO Act requires a balanced approach capable of protecting children while preserving procedural fairness.

### *Emerging Judicial Principles*

The analysis of the available judicial decisions reveals several principles governing the interpretation of Section 22.

| Principle | Judicial Position |
|---|---|
| Acquittal alone establishes falsity | No |
| Intentional falsity is required | Yes |
| Statutory intention must be proved | Yes |

[16] *Mikavel v. State of Tamil Nadu*, Crl. O.P. (MD) No. 3924 of 2026; *X v. State (NCT of Delhi)*, 2022 LiveLaw (Del) 996; *Court on Its Own Motion v. XXXX (Victim Girl) & Anr.*, CRR 2431 of 2024; *P. Saravanan v. S. Prabhu*, Crl. R.C. No. 73 of 2023.

| Principle | Judicial Position |
|---|---|
| Child immunity under Section 22(2) is recognised | Yes |
| Proceedings require independent judicial assessment | Yes |
| A structured methodology exists | No |

The above principles indicate that, although courts consistently require proof of intentional falsity and malicious intent before invoking Section 22, the existing jurisprudence does not provide a structured analytical methodology for determining when criminal liability arises. This doctrinal gap forms the basis of the interpretative framework proposed in the following chapter.

The judicial decisions examined in this chapter demonstrate that courts consistently acknowledge the importance of preventing deliberate misuse of criminal proceedings. At the same time, the absence of a comprehensive interpretative framework has resulted in a largely case-specific approach to Section 22.

The jurisprudence therefore reveals a significant doctrinal gap. While courts agree that intentional falsity and malicious intent are essential prerequisites for criminal liability, the existing decisions do not establish a uniform methodology capable of guiding judicial decision-making. This gap forms the foundation for the interpretative framework proposed in the following chapter.

## V. A PROPOSED INTERPRETATIVE FRAMEWORK FOR SECTION 22

The preceding chapters have demonstrated that Section 22 of the Protection of Children from Sexual Offences Act, 2012 performs an important accountability function within the statutory framework. The provision seeks to discourage the deliberate misuse of criminal proceedings by penalising false complaints and false information. At the same time, the judicial decisions examined in this study reveal that courts have consistently exercised caution in invoking Section 22 to preserve the child-protective objectives of the Act.

Despite this judicial consensus, neither the statutory text nor the existing jurisprudence provides a structured methodology capable of guiding courts in determining when criminal liability under Section 22 arises. Judicial decisions generally emphasise intentional falsity and malicious intent but do not prescribe a clear sequence of legal questions to be addressed before proceedings are initiated.

The present chapter proposes an interpretative framework intended to organise the existing statutory provisions, judicial principles, and general doctrines of criminal law into a coherent analytical model. The proposed framework does not seek to alter the substantive requirements enacted by

Parliament. Rather, it is intended to function as an interpretative aid designed to promote consistency, transparency, and doctrinal clarity.

### *Stage I: Jurisdictional Threshold*

The first stage requires the court to determine whether the alleged false complaint or false information falls within the statutory scope of Section 22.

Section 22 applies only to complaints or information concerning offences punishable under Sections 3, 5, 7, and 9 of the POCSO Act. Consequently, the court must first ascertain whether the allegations relate to the offences expressly identified by Parliament.

At this stage, the court must also determine whether the impugned communication constitutes a complaint, information, or another form of factual assertion. Since the statute does not define these expressions, judicial clarification becomes necessary.

Unless the complaint falls within the statutory scope of Section 22, no further inquiry arises.

### *Stage II: Evidentiary Threshold*

The second stage requires an independent examination of the evidentiary record.

The acquittal of the accused cannot, by itself, justify proceedings under Section 22. Criminal trials may fail because of evidentiary insufficiency, hostile witnesses, procedural irregularities, or the inability of the prosecution to establish guilt beyond reasonable doubt. Therefore, the court must identify positive evidence demonstrating that the complaint or information was false.

The evidentiary inquiry may include consideration of:

- witness testimony;
- medical and forensic evidence;
- documentary materials;
- contradictions in the record;
- and any other relevant circumstances.

The objective of this stage is not to reassess the guilt of the accused but to determine whether there exists sufficient material indicating intentional falsity.

### *Stage III: Mental Element*

The third stage concerns the statutory mental element prescribed under Section 22(1).

A complaint does not become punishable merely because it is inaccurate. Section 22 requires proof that the complaint or information was knowingly false and motivated by one of the intentions expressly identified by Parliament, namely:

- humiliation;
- extortion;
- threat; or
- defamation.

The requirement of mens rea constitutes the central safeguard against the misuse of Section 22. It ensures that criminal liability remains confined to deliberate misconduct rather than extending to mistaken, unsubstantiated, or unsuccessful allegations. Accordingly, the court must determine not only whether the complaint was false but also whether the statutory intention has been established.

### *Stage IV: Statutory Qualifications*

The fourth stage requires consideration of the qualifications contained within Section 22 itself.

Section 22(2) grants immunity where the false complaint or false information has been provided by a child. This reflects Parliament's recognition of the vulnerability of child complainants and the need to avoid discouraging disclosure.

Section 22(3), on the other hand, provides enhanced protection where a non-child knowingly makes a false complaint against a child.

The court must therefore identify whether any statutory qualification affects the applicability of Section 22 in the particular case.

### *Stage V: Judicial Determination*

The final stage requires the court to record a reasoned judicial determination. Having examined the statutory scope, evidentiary record, mental element, and statutory qualifications, the court must expressly identify the basis upon which proceedings under Section 22 are justified. The judicial order should distinguish between:

- acquittal resulting from evidentiary insufficiency, inconsistent testimony;

- failure of proof;
- and deliberate fabrication.

The purpose of this final stage is to ensure transparency and facilitate appellate review.

### *Visual Representation of the Proposed Framework*

Complaint / Information

|

▼

Does Section 22 apply?

|

▼

Independent examination of evidence

|

▼

Is intentional falsity established?

|

▼

Is the statutory intention proved?

|

▼

Do Sections 22(2) or 22(3) apply?

|

▼

Reasoned judicial determination

### *Illustrative Application of the Framework*

The proposed framework may be illustrated through *N. Chandramohan v. State*.[17] In that case, the Court did not rely solely upon the acquittal of the accused. Instead, the judicial reasoning was based upon material indicating that the allegations had been deliberately fabricated. The decision therefore reflects several stages of the framework proposed in this study, particularly the requirements of evidentiary assessment, proof of intentional falsity, and independent judicial scrutiny.

[17] *N. Chandramohan v. State*, 2019-2-L.W. (Crl.) 460

The framework is not intended to replace judicial discretion. Rather, it seeks to organise the principles already recognised in judicial decisions into a structured methodology capable of promoting greater consistency in the application of Section 22.

## VI. CONCLUSION AND RECOMMENDATIONS

The Protection of Children from Sexual Offences Act, 2012 was enacted to establish a comprehensive legal framework for the protection of children from sexual offences through specialised procedures and stringent penal provisions. Within this framework, Section 22 occupies a distinctive position by imposing criminal liability for intentionally false complaints and false information. Despite its significance, the provision has received comparatively limited doctrinal attention.

The present study demonstrates that the principal challenge surrounding Section 22 arises not from the absence of statutory authority but from the absence of a structured interpretative methodology. Neither the statutory text nor the existing judicial decisions comprehensively defines the expressions "false complaint" and "false information" or prescribes a uniform analytical framework for determining when criminal liability should arise. Consequently, courts have largely approached Section 22 through fact-specific adjudication.

The analysis undertaken in this study further establishes that acquittal alone cannot justify the invocation of Section 22. Criminal liability under the provision requires an independent judicial determination that the complaint or information was knowingly false and motivated by the statutory intention to humiliate, extort, threaten, or defame. The study therefore rejects any interpretation that treats Section 22 as an automatic consequence of unsuccessful prosecution.

The research also identifies unresolved questions concerning the treatment of complaints containing intentionally fabricated factual assertions and the relationship between Sections 19 and 22 of the POCSO Act. In response to these doctrinal uncertainties, the study proposes an interpretative framework synthesising statutory provisions, judicial principles, and established doctrines of criminal law.

Ultimately, the study argues that child protection and procedural fairness are not competing objectives. The effective operation of Section 22 requires a balanced interpretation that encourages genuine reporting while preventing the deliberate misuse of the criminal justice process.

## *Recommendations*

### *Legislative Recommendations*

Parliament may consider introducing clarificatory explanations concerning the expressions "false complaint" and "false information" without substantially altering the existing structure of Section 22. Legislative clarification regarding the relationship between Sections 19 and 22 may further reduce interpretative uncertainty.

### *Judicial Recommendations*

Courts should adopt a structured analytical approach while considering proceedings under Section 22. Judicial orders invoking the provision should clearly identify the evidence establishing intentional falsity and the statutory mental element.

### *Investigative and Prosecutorial Recommendations*

Investigating agencies and prosecutors should independently assess whether the evidentiary record establishes deliberate fabrication rather than relying solely upon the acquittal of the accused. Distinctions must be maintained between evidentiary failure, contradictory testimony, and intentional misuse.

### *Future Research*

Future scholarship may examine the practical operation of Section 22 through empirical research, comparative legal analysis, and interdisciplinary studies concerning the impact of the provision on reporting practices under the POCSO Act.