

EXTORTION BEHIND FALLACIOUS RAPE CASES

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INTRODUCTION

The present article will assist your legal scope of looking at a situation that might seem to be an offense of rape but as the trial proceeds it came out a falsely implicated charge on the accused in order to wrongfully and inappropriately bring money out of the pockets of the accused. This article will proceed through a catena of cases that came out jaw-dropping during their trial before the court of law. Here, you will come to know about the misuse of section 376 of the Indian Penal Code.

CONCEPTUAL UNDERSTANDING

Before we proceed further into the article, let us understand the meaning of “extortion” and “rape” as defined under the IPC of 1860.

a) Rape- It is defined under section 375 of the IPC¹. In this section, the following are the six conditions precedent, fulfilment of any of them will constitute rape.

(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 law-fully 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.

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¹ The Indian Penal Code, 1860, s.375

(Sixthly) — With or without her consent, when she is under sixteen years of age.

b) Extortion- This white-collar crime is well defined under section 383 of the IPC².

The said section basically says that extortion is a sort of blackmailing wherein the victim or any relative of the victim is put in fear of injury or death in order to deliberately and dishonestly receive any property (generally it is money).

Extortion falls under the ambit of white-collar crimes and it is one of the well-known white-collar crimes that took place throughout the globe. It is of a very serious nature as it involves the illegitimate and wrongful demand of the offender to deliver to him a certain amount of money otherwise, he might defame the victim and the family members or he might spread any secret of the victim with the intention to pull down his rapport. Sometimes, this threat endangers the very life of the victim.

ADJUDICATIONS

1) Sejal Sharma vs. State of Haryana³

In this case, Haripal is a property dealer. Rajesh and Surender are also property dealers and have a good bond with Haripal.

One day, Rajesh invited Haripal to his flat where Haripal found Surender and a young girl. At the flat, Haripal was served a cup of tea and consequently, became unconscious.

After an hour or later, when Haripal regained consciousness, Rajesh and Surender started blackmailing him by stating that if would not deliver to them the sum of rupees 20 Lacs, they will circulate the obscene video and some photographs which they captured with that girl and will falsely implicate him into a rape case that will dismantle all his goodwill and rapport he has built over the years.

Knowing the malicious intentions of Rajesh and Surender, Haripal lodged an FIR against these two men with one Sejal Sharma and Meenu Handa who were all part of this criminal conspiracy.

An SIT was constituted to investigate the case which later found the allegations made against the accused false and misleading. The investigation concluded that the petitioner and other

² The Indian Penal Code, 1860, s.383

³ *Sejal Sharma vs. State of Haryana*, 2021.

members filed a false rape case in order to create pressure over Haripal who had already an extortion case against the accused.

Further, the Punjab and Haryana High Court did not find any substance in the false rape case and mentioned that the petitioner and other members are running a racket with the sole intention of blackmailing the people by putting them in the fear of implicating them in a false rape case and wrongfully receive the extortion money.

In addition to this, the court also found out that these four namely Rajesh, Surrender, Meenu Handa, and Sejal Sharma are running a honey trap where they inappropriately and dishonestly, by blackmailing, receive extortion money. Therefore, the court guided the police authorities not to register any other rape case, alleged by the petitioner, without any preliminary inquiry.

2) Atender Yadav vs. State Govt. of NCT of Delhi⁴

This case brought out some major learnings for both society and the legal fraternity.

In the above case, the accused is a father who is charged with the offence of raping her 11-year-old daughter for the month of November-December in the year 2006.

The 11-year-old prosecutrix was supported by her mother and brother when corroborating evidence.

The court did not find out congruency between the prosecutrix statement made before the police under section 161 of the CrPC and the statement made before the magistrate under section 164 of the CrPC. The court believed that since the prosecutrix is a child therefore there is a possibility to manipulate and misguide her, especially in such a scenario where there is an ongoing heated matrimonial dispute between husband and wife.

Therefore, the court admitted that it should go for other reliable sources of corroborative evidence and that it must keenly and prudently scrutinize the whole of the present case to find out if there is any tortuous tactic from the side of the mother of the prosecutrix.

Further, as the case unfolded its real nature, the court accepted that in this case, the mother of the prosecutrix used her daughter to falsely implicate the husband in a rape case either with the intention of extortion or convict him behind bars for the offense he never even committed.

⁴ *Atender Yadav vs State Govt Of Nct Of Delhi*, 2013, CRL.A. 1340/2010.

In the present case, the court said that it is shameful and disgraceful conduct of the mother of the victim that she did not even care for her own self-respect and the respect and rapport of her daughter and other family members.

The concerned court accepted that *false rape cases are not uncommon*.

The Hon'ble court produced the relevant part of the judgment given under Radhu vs. State of Madhya Pradesh. In this reference case, the Top Court mentioned the following points:

-Court accepted that there are chances, though rare, to tutor a daughter to file a fallacious rape case against her own father either for extortion or to wreak vengeance on him.

-The Apex Court in the above case spoke out its concern over the wrongful use of such a heinous crime.

-The court writes that it is a matter of ignominy before the women as it is generally believed that a woman would never falsify and fabricate the offense of rape.

- It is disgraceful to see a mother nursing and maneuvering her own daughter against her husband to implicate him in a fallacious rape charge with the sole purpose of either finishing his life behind the bars or extorting a hefty amount of money without even pondering over what prolong negative impact could be created in the mind of the prosecutrix.

-The Apex Court specifically said, "*The trauma of a man being falsely accused of raping his own flesh and blood is unspeakable and unfathomable.*"

-It was disheartening for the court to see the mother using her daughter for her grudges and vendetta and letting her daughter live with the stain of being raped by her own father.

-Further, the court clarifies that such type of false and fabricated cases are attenuating the authority of true cases.

3) Arvind Kumar & Another vs. State of U.P. & Another⁵

In the present case, the applicant applied to the Prayagraj High Court under section 482 of the CrPC. to quash the FIR lodged against applicant no.1 and other applicants. The applicants were charged with the offence of rape.

⁵ *Arvind Kumar And Another vs State Of U.P. And Another*, 2020, Case: APPLICATION U/S 482 No. - 37777 of 2019

Here, the applicant submitted that he met the victim(lady) through one Sudhir Chauhan who is a colleague of the victim. Thereafter, they became friends and started meeting each other. Later, she started asking for money which was rejected by applicant no.1.

Thereafter, applicant no.1 started receiving threats from the lady of falsely implicating him in a rape case if he would not give her the demanded money. Being threatened, the applicant gave the money. But it did not stop there and the lady along with her two friends asked for a hefty amount which too was given by applicant no. 1.

Further, after getting fed up with persistent threats and demands, applicant no.1 decided to lodge an FIR against the lady and her colleagues under section 156(3) of the CrPC for the offense of extortion.

Thereafter, the learned counsel of the applicant also submitted that the opposite party is running a racket for a long time with the malicious intention of blackmailing people by falsely implicating them in a rape case and extorting a hefty amount of money from them. The council also mentioned that the lady denied the internal medical examination which holds a strong evidentiary value in the offense of rape.

Later, after listening to the prosecution, which stated that applicant no.1 raped the prosecutrix under the misconception of the fact that he would marry her. But later, the prosecutrix found out that applicant no.1 is already a married person which he kept hidden in order to cure his lust. The prosecution further emphasized that the prosecutrix is an innocent lady who gave her consent to establish a physical relationship with applicant no. 1 only on the promise of marriage made to her by applicant no.1 which ultimately turned out false. And that the applicant no.1, from the very beginning, had no intention to marry the victim, and therefore kept raping her for a long time, the court went to the conclusion that since the questions raised by the advocate for the applicants are subject to the trial which still has not yet begun, the present application under section 482 of the CrPC is rejected.

Interestingly, the High Court, while examining the submissions of the learned advocate for applicant no.1, the court said that though the prosecutrix denied the internal medical examination which consequently states the absence of any medical proof for the commission of rape, still the applicant no.1 caused rape on her not by forceful sex but by wilfully establishing the physical relationship in the lieu of false promise of marriage, against her wish.

In the above case, the court seriously condemned the offence of rape and stated its heinousness by quoting the relevant paragraphs of Anurag Soni vs. the State of Chhattisgarh.

4) The Catena of Jabalpur Rape Cases⁶

The M.P. Jabalpur rape case is not about a single rape case but it is about 6 rape cases that were filed between 2016 and 2022 in Jabalpur only.

All these cases were filed by a lady who alleged that 6 different men had committed rape on her under the pretext of marriage, etc.

It all started in the year 2016 when the first FIR was registered. Then two FIRs were filed in 2019; another two were filed in 2021 and the latest was filed in March 2022.

Among all these complaints, the complainant lady mentioned certain facts which draw the similarity among all these FIRs. The lady said that all these men had committed rape on her in the pretext of promise to marry, thereafter when she consented to a relationship, the men established sexual intercourse and had shot obscene videos and threatened to upload them on social media.

In all these complaints, false promises to marry can be said as the misconception of fact; the threat to upload recorded videos and photographs, and physical hurt is the common pattern that has been seen so far.

Here, in the latest case, the men had reached the Jabalpur district court to seek a legal remedy, as a result, the concerned court issued a summons and asked her to appear before the court on 22nd September 2022 after which arrest warrant would have been issued against her.

The concerned court booked her for the offenses of extortion and criminal intimidation.

5) “ND” Extortion Group case⁷

In the above case, a lady named ND (name changed) alleged that some people had committed gang rape on her. She then went to the police of Dwarka South to file a complaint for the

⁶ ANANYA BHARDWAJ, ‘‘Rape’, ‘lies’ & videotape — MP woman who filed 6 cases against 4 men in 6 yrs probed for extortion’ (*ThePrint*) 3 September, 2022 < <https://theprint.in/india/rape-lies-videotape-mp-woman-who-filed-6-cases-against-4-men-in-6-yrs-probed-for-extortion/1112966/> accessed 25th December 2022.

⁷ Tanseem Haider, ‘Gang running extortion racket by filing fake rape cases busted by Delhi Police’ (*India Today*) Aug 29, 2022 < <https://www.indiatoday.in/cities/delhi/story/gang-running-extortion-racket-filing-fake-rape-cases-busted-delhi-police-1993843-2022-08-29> > accessed 25th December 2022

alleged offense where while verifying the Identification, the concerned police came to know the inauthentic and fabricated voter ID card of the complainant.

Upon further investigation, the concerned police found out that this same lady had filed several other cases, for the same offense, in Haryana, Delhi, and Dwarka South.

Thereafter, the said lady was booked for the offense of extortion and it is envisaged that there is a whole group that is running a racket for extorting money by threatening the men of falsely implicating them in a rape case. The investigation is still on its lead.

6) False rape case against a Delhi Police Constable⁸

It is about the year 2012 when the complainant filed an FIR against the accused, who was the constable in Delhi Police, alleging he of raping her.

The complainant made serious allegations to the constable that he intentionally hide his marital status in order to establish a physical relationship with the complainant under a false promise of marriage. She also complained that the constable was involved in human trafficking also.

Upon further inquiry and trial, the complainant herself confessed and stated that the accused and she had an amicable relationship and that she mistakenly filed this rape case against him.

Therefore, the court acquitted the accused and directed the Delhi Police to take cognizance of the matter and carry out necessary proceedings against the complainant.

7) Honey-Trapping in Ahmedabad⁹

In the year 2021, the Ahmedabad police registered a case against a group of people namely Radhika, Jitendra, Jinal, and Bipin for committing extortion under section 384, criminal intimidation under section 506, criminal conspiracy under 120B, and impersonating a police officer under section 170 of the Indian Penal Code.

⁸ Express News Service, 'Take action against girl for filing false rape case: HC to cops' (*The Indian Express*) April 2, 2012 < <https://indianexpress.com/article/india/india-others/take-action-against-girl-for-filing-false-rape-case-hc-to-cops/> > accessed 25th December 2022.

⁹ Express News Service, 'Four held for 'honey-trapping' businessman in fake rape case, extorting Rs 5 lakh: Ahmedabad Police' (*The Indian Express*) March 23, accessed 25th December 2022 < <https://indianexpress.com/article/cities/ahmedabad/four-held-for-honey-trapping-businessman-in-fake-rape-case-extorting-rs-5-lakh-ahmedabad-police-7240644/> >

The official statement of the police said that these people were running a racket of extorting people by making them friends on social media and then threatening them to falsely implicate them in a rape case.

In the present case, the accused named 'Radhika' connected with the complainant, who is a businessman, on Facebook and after further interactions requested him to meet her whenever she would be in Ahmedabad. And on 21st September 2020, the accused and the complainant met. At her request, they went to a guesthouse but were not allowed to check in due to a lack of ID proof of the accused. On the next day, the complainant received a call from the concerned police station saying that he has been a complaint for the offense of rape.

Thereafter, all the accused threatened him not to proceed further in the police investigation and gave them 5 lakh rupees otherwise they will falsely implicate him in a rape case.

Due to this threat, the complainant finally deliver the demanded amount to the accused but later he came to know about this habitual practice of them blackmailing people to extort money from them.

Knowing this information, the police filed cases against them which we have already discussed above.

8) Famous Gurugram case¹⁰

The present case in hand is quite shocking as it involves a 20-year-old English Honours student at Delhi University.

Here, the accused girl was arrested when on a complaint made by the mother of one of the accused men of blackmailing.

In this case, the girl was running a syndicate extorting money by falsely accusing them of a rape case. The said girl filed 7 rape cases in 7 different police stations against 7 different men. Some of the cases have been closed, and in some cases, the concerned court has issued notices to her to present before the court.

¹⁰ Bismin Taskeen, 'Gurugram woman, who filed 7 rape cases against 7 men, now held for 'extortion'' (*ThePrint*) 30 December, 2021 < <https://theprint.in/india/gurugram-woman-who-filed-7-rape-cases-against-7-men-now-held-for-extortion/791646/> accessed 25th December

FEW OTHER PAINFUL ACCUSATIONS

- Vishnu Tiwari¹¹, a man who was falsely implicated in a rape case, spent two decades in jail and got finally released after the Allahabad High Court scrutinized and found the truth of the matter.
- An IT man who established physical relations with his girlfriend with the deliberate purpose of marrying her. Even the lady consented to the marriage. But later, somehow, the girlfriend refused to marry him. Further, after a year, she came back to him and said that she is pregnant and said she wanted to marry him but this time the man denied her proposal. Thereby the lady filed a rape case against him and also filed a case of assault against his family members.
- A case reached the threshold of the M.P. High Court wherein a bail application was moved by the appellant's learned counsel in the offense of rape¹². Astonishingly, the complainant of the case, the victim lady, admitted that she filed a false rape case on the accused due to the instigation she received from her mates; her family members who were witnesses in the case were also turned hostile during the trial. By looking at this situation, the Hon'ble High Court granted bail to the accused and also ordered to revert the compensation given to the lady in the lieu of her being a rape victim.

CONCLUSION

Recently in December 2022¹³, the Delhi High Court raised its serious concern over a rise in the number of false cases of rape. The court believes, while rejecting the quashing application made against the FIR registered under section 376 IPC that the fallacious allegation of rape is itself enough to destroy the life of the accused.

Therefore, it would not be incorrect to infer that a law should be brought out by the parliament for punishing those who falsely implicate men in the offense of rape to bring money out of their pockets.

¹¹ Wahid Bhat, 'Rape cases that proved false in India' (*Ground Report*) December 8, 2022 < <https://groundreport.in/false-rape-cases-in-india-8-times-when-women-falsely-accused-men/> > accessed 25th December 2022

¹² The Times Of India, 'HC asks woman who withdrew rape charges to surrender compensation' (*The Times Of India*) May 20, 2022 < <https://timesofindia.indiatimes.com/city/bhopal/hc-asks-woman-who-withdrew-rape-charges-to-surrender-compensation/articleshow/91674407.cms> accessed 25th December 2022

¹³ Express News Service, 'Alarming rise in false rape cases; need to be dealt strongly: Delhi High Court' (*The Indian Express*) August 17, 2021 < <https://indianexpress.com/article/cities/delhi/alarming-rise-in-false-rape-cases-need-to-be-dealt-strongly-delhi-high-court-7457488/> accessed 25th December 2022.

In our society, a mere allegation of rape is enough to dismantle, disturb, disrupt, and destroy the psyche of men. It is very tough to live with the stigma of being a falsely accused rapist. When anything went wrong in a matrimonial relationship or casual or sincere romantic relationships between boys and girls, it is presumed that the male counterpart is the culprit; an investigation comes later.

As there is “#MeToo”, there is an urgent need for “#MenToo” as well.

