

THE DUAL TRAUMA OF COERCION: EXAMINING FAMILIAL PRESSURE ON MINOR VICTIMS TO INITIATE POCSO PROCEEDINGS

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ABSTRACT

The Protection of Children from Sexual Offences (POCSO) Act, 2012, was enacted as a robust socio-legal instrument to shield minors from sexual exploitation and ensure a child-friendly trial environment. However, a significant systemic distortion has emerged in recent years: the weaponization of the Act by guardians and family members who coerce minor victims into filing false or highly exaggerated criminal complaints. This phenomenon primarily manifests in two contexts—the criminalization of consensual adolescent relationships under the guise of 'family honor' and the manipulation of children as tactical leverage in bitter matrimonial, property, or civil disputes. This article explores the multi-faceted dimension of this problem, delineates the psychological and secondary victimization of the minor, analyzes cutting-edge Supreme Court jurisprudence up to 2026, and proposes urgent institutional safeguards to protect the true autonomy and voice of the child.

I. STATEMENT OF THE PROBLEM

The architectural framework of the POCSO Act, 2012, features strict, uncompromising mechanisms designed to tilt the scales of justice in favor of vulnerable children. Prominent among these are Section 29 and Section 30, which establish a statutory presumption of guilt against the accused once foundational facts are demonstrated, and the non-bailable nature of most offenses under the Act. While these provisions are indispensable for prosecuting genuine sexual predators, they simultaneously present an attractive and potent weapon for malicious actors, including the child's own family members. The phenomenon of family pressure forcing a minor to file a POCSO case introduces a grave structural pathology into the juvenile justice system, transforming a protective shield into a tool of coercion.

The problem primarily branches into two sociological and legal manifestations. The first is the socio-cultural policing of young love and

adolescent autonomy. In contemporary Indian society, when an adolescent girl (typically between 15 to 18 years of age) engages in a voluntary, consensual romantic or sexual relationship or attempts to elope, the family perceives it as an egregious blow to their community status and 'honor'. To forcibly dissolve the relationship and penalize the partner, parents frequently compel the minor daughter to lodge an FIR alleging aggravated penetrative sexual assault or kidnapping. Under extreme psychological duress, emotional blackmail, and threats of familial abandonment, the minor is cornered into signing complaints and delivering scripted statements under Section 164 of the Code of Criminal Procedure, 1973 (now Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023).

The second manifestation is rooted in domestic, mercantile, or matrimonial vendettas. During bitter divorce proceedings, custody battles, or ancestral property disputes, one parent or faction of the family may coerce a child into

alleging sexual abuse against the opposing party (such as the father, paternal uncle, or grandfather) to secure immediate tactical advantage, extract financial settlements, or completely deny visitation rights. In these instances, the child is subjected to intensive parental alienation and coaching. They are forced to participate in a legal process that weaponizes their vulnerability, requiring them to narrate fictionalized accounts of trauma before law enforcement and magistrates.

This dynamic inflicts a severe form of secondary victimization and institutional abuse upon the child. The minor is caught in a traumatic paradox: trapped between the natural allegiance to their family and the ethical or emotional baseline of truth. When the matter reaches the trial stage—often after a prolonged delay during which the child matures or the immediate familial crisis shifts—the minor frequently resiles from the initial version, turning 'hostile'. This results in exceptionally high rates of acquittals in POCSO courts, squandering valuable judicial resources, clogging fast-track special courts, and deeply traumatizing the child who must endure multiple rounds of invasive investigations, medical examinations, and cross-examinations for a crime that was manufactured by parental mandate.

II. RELEVANT SUPREME COURT CASE LAWS

The Supreme Court of India has increasingly recognized this crisis, progressively shifting its jurisprudence to filter out cases born out of familial coercion and matrimonial vendetta, while steadfastly preserving the core intent of the POCSO framework.

1. *Suo Motu Writ Petition (C) No. 3 of 2023 In Re: Right to Privacy of Adolescents (Supreme Court Observations, July 13, 2026)*

In an explicit acknowledgment of familial pressure weaponizing the law, a Division Bench of the Supreme Court comprising Justices B.V. Nagarathna and R. Mahadevan directly questioned the mechanical invocation of the POCSO Act against teenagers involved in

voluntary relationships. The Bench pointedly observed:

"Parents often resort to criminal proceedings to protect their so-called 'honour' when teenage girls elope with their partners... How can the state prevent the elopement of a girl and a boy? POCSO concerns the sexual assault and exploitation of children. Teenage is a period of vulnerability and experimentation... the law must not be weaponized to penalize adolescent relationships at the behest of displeased families."

This ruling highlights the immediate necessity for a nuanced threshold analysis to ensure that criminal law is not deployed by families as a coercive instrument to suppress the changing social realities of adolescent autonomy.

2. *Ishwar Chand Sharma v. State of U.P. (2026 INSC 587)*

In this landmark decision, the Supreme Court confronted a scenario where grave allegations of penetrative sexual assault under the POCSO Act were leveled against family members amidst intense matrimonial hostility. The Court ruled that bald, vague, and omnibus POCSO allegations arising out of matrimonial vendetta can and should be quashed at the threshold by constitutional courts exercising powers under Section 482 of the CrPC (now Section 528 of the BNSS). Relying on the celebrated precedent of *State of Haryana v. Bhajan Lal*, the Apex Court observed that where a criminal proceeding is manifestly mala fide or instituted maliciously to wreak vengeance due to private scores, allowing it to go to trial constitutes an abuse of the judicial process. The judgment established a vital safeguard: the gravity of a POCSO charge does not insulate it from judicial scrutiny if the underlying motivation is familial arm-twisting.

3. *X v. The State of Uttar Pradesh & Another* (2026 INSC 44)

While dealing with standard POCSO applications, the Supreme Court (Bench of Justices B.V. Nagarathna and R. Mahadevan) systematically distinguished between genuine instances of child abuse—which demand strict judicial refusal of bail—and cases showing external manipulation. The Court emphasized that the Child Welfare Committee (CWC) counseling reports must be carefully evaluated to detect psychological distress arising not just from the alleged offense, but from the surrounding familial environment. This jurisprudence highlights that a child's statement cannot be viewed in a vacuum; it must be assessed against the background of potential domestic coercion.

4. *Protection of Perjury Immunity: Section 22(2) Considerations*

The Apex Court has repeatedly taken note of the high acquittal rates driven by minors turning hostile when they free themselves from immediate parental pressure during trial. In multiple instances, trial courts are reminded that under Section 22(2) of the POCSO Act, a child victim cannot be prosecuted for perjury or making a false statement if they resile from their Section 164 statement. This statutory immunity recognizes that the initial false or exaggerated complaint is almost always the result of overwhelming family pressure, fear, and coaching, rather than a malicious intent born from the child themselves.

III. SYSTEMIC RECOMMENDATIONS AND CONCLUSION

The subversion of the POCSO Act through familial coercion is a double-edged sword: it destroys the lives of falsely accused individuals, while inflicting profound institutional trauma on the very children the law seeks to protect. To decouple family vendettas and 'honor' anxieties from the statutory machinery of POCSO, several structural interventions are urgently required:

First, the institution of the 'Support Person' under Section 39 of the POCSO Act must be completely

independent of the child's immediate family. As underscored by national model guidelines, the option and role of an independent support person—such as a trained child psychologist or social worker—must be mandatory from the moment the FIR is contemplated. This support person must interact with the child outside the overbearing presence of the parents to discern whether the statement is being given freely or under domestic duress.

Second, Child Welfare Committees (CWCs) must be empowered to conduct preliminary psycho-social screenings of minor victims in cases arising out of elopements or matrimonial disputes before statements are recorded under Section 183 of the BNSS. If the CWC counselor notes clear indicators of parental coaching, emotional blackmail, or intense familial anxiety regarding community 'honor', these findings must be forwarded directly to the Special Judge to inform bail and threshold evaluation proceedings.

In conclusion, the POCSO Act cannot be allowed to degenerate into an instrument for enforcing conservative social mores or settling adult civil scores. The Supreme Court's evolving jurisprudence up to 2026 provides a robust framework for courts to scrutinize the bona fides of complaints initiated under familial cloud. Moving forward, the judiciary, law enforcement, and child welfare agencies must collaborate to ensure that the criminal justice system listens exclusively to the authentic, uncoerced voice of the child, ensuring that the best interests of the minor remain paramount, even against the wishes of their own family.

FOOTNOTES / CITATIONS

- [1] Protection of Children from Sexual Offences (POCSO) Act, 2012, No. 32, Acts of Parliament, 2012 (India).
- [2] See POCSO Act, 2012, § 29 (Presumption as to certain offences) and § 30 (Presumption of culpable mental state).
- [3] Bharatiya Nagarik Suraksha Sanhita, 2023, § 183 (corresponding to Section 164 of the Code

of Criminal Procedure, 1973, relating to the recording of confessions and statements before a Magistrate).

- [4] Suo Motu Writ Petition (C) No. 3 of 2023 In Re: Right to Privacy of Adolescents, Supreme Court of India, Judgment/Observations dated July 13, 2026 per B.V. Nagarathna & R. Mahadevan, JJ.
- [5] Ishwar Chand Sharma v. State of U.P., 2026 INSC 587 (Decided June 3, 2026).
- [6] State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335; paragraph 102 outlines the definitive categories governing the quashing of malicious or inherently improbable criminal complaints.
- [7] X v. The State of Uttar Pradesh & Another, 2026 INSC 44; [2026] 1 S.C.R. 485.
- [8] See POCSO Act, 2012, § 22(2), which explicitly exempts a child from the penal consequences of perjury or false information, acknowledging their vulnerability to external manipulation.
- [9] Ministry of Women and Child Development, Model Guidelines with respect to Support Persons under Section 39 of the POCSO Act, 2012.
- [10] Achin Gupta v. State of Haryana, 2024 INSC 365 (emphasizing the ethical obligation of the Bar and investigators to prevent the escalation of domestic and matrimonial discords into severe, artificial criminal litigations).

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