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CONSENSUAL ADOLESCENT RELATIONSHIPS: WHEN PROTECTION TURNS INTO PUNISHMENT

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ABSTRACT

The Protection of Children Against Sexual Offences Act (POCSO) was enacted in the year 2012 to safeguard children against sexual abuse, harassment and exploitation. The misuse of POCSO has become a serious concern in this growing society. False allegations under POCSO are often due to inter-family vendettas, property disputes, custody battles, matrimonial conflicts, cases of elopement between mutually consenting adolescents and instances where the statute is misused to exert pressure. The Supreme Court has also observed a rapid increase in misuse of POCSO with the intention to criminalise consensual adolescent relationships. The Bench observed that the POCSO complaints were often lodged against the boys in consensual relationships with girls of similar ages due to internal conflicts, property disputes, caste or religious conflicts, etc. This article examines the dimensions, causes, and socio-legal implications of false accusations under the POCSO Act, as well as how they are being exploited in contemporary society. It critically analyses the challenges arising from the criminalisation of adolescent consensual relationships. The objective is not to weaken the protective spirit but to strengthen the credibility of POCSO by addressing the potential for misuse while ensuring that the actual victims continue to receive uncompromised protection.

KEYWORDS

POCSO Act, Adolescent relationships, False allegations, Inter-family vendettas and prosecution.

INTRODUCTION

An offence under the POCSO Act is a cognizable and non-bailable offence. Once an innocent person is falsely accused under the POCSO Act, it would be an easy weapon in the hands of people to exploit a person's reputation, image and character in contemporary society. A false allegation occurs when someone accuses another person of committing a crime, knowing that the person being charged is innocent. It's commonly used as a way of revenge.

The rate of Child sexual abuse cases has increased in the past few decades. As a matter of fact, not all the allegations of sexual abuse were authentic. In several cases, the usage of false allegations of child abuse could result in tarnishing a man's life. It is really very hard to distinguish and separate fabricated cases from the legitimate ones. If we take a deeper look into POCSO cases, we uncover that in most of the cases, the child is not abducted by a stranger but by someone who is known. We identify that the person who is alleged is likely to be a family member, boyfriend, friend, teacher and so on who is close to the child. False allegations are common in our society, and the courts arrive at their decisions only after exercising due caution, carefully examining all evidence and hearing both sides. In cases of child sexual abuse, the child's testimony or the alleged victim's testimony is often the core piece of evidence. One of the most heinous crimes in any society is indeed crimes against children. The Indian criminal justice system is based on the fundamental maxim "Even if a hundred guilty are acquitted, not even one innocent should be convicted, and this is also why it is very important to separate the false allegations and carefully examine the cases of accusations of child sexual abuse cases."¹

UNDERSTANDING THE POCSO ACT

A sexual assault refers to or includes specific acts of physical violence and harmful, inappropriate actions. The POCSO Act aims to protect children below the age of 18 years from offences like penetrative sexual assault and non-penetrative sexual assault. The act consists of 46 sections that includes definitions, procedures and punishments for the offences. The intent of the act was to protect and safeguard children from sexual offences, ensuring justice through special courts specially established for such cases, protecting their identities throughout the legal proceedings. Some of the major key provisions are elaborated below:

¹ International Journal of Law Management and Humanities, Volume 6, Issue 2, Page 679 – 688
<https://ijlmh.com/paper/the-rise-of-false-child-abuse-cases/>.

Section 2 of the POCSO Act addresses the foundational definitions. It states that a “child” refers to anyone below the age of 18 years, and it also provides definitions of offences like “penetrative sexual assault”, “non-penetrative sexual assault”, “sexual harassment”, and “child pornography”.²

Section 3 of the POCSO Act deals with penetrative sexual assault, which includes rigorous offences like sexual intercourse with a child or any form of penetration, regardless of that causing any form of physical injury in the process.³

Section 4 of the POCSO Act highlights strict sanctions, including imprisonment for not less than ten years, the period of imprisonment can also be extended to life imprisonment and a fine depending on the circumstances.⁴

Section 11 of the POCSO Act defines the acts of sexual harassment against children, it prohibits any action or behavior that intends to harm or humiliate the modesty of a child, this includes sexual gestures, sexually suggestive remarks, showing pornography, repeatedly following or contacting a child, engaging in acts that weakens a child’s dignity or any act that weaken a child’s safety.⁵

Section 12 of the POCSO Act imposes sanctions involving imprisonment for up to three years, a fine or both imprisonment and a fine, depending on the severity of the crime.⁶

Section 13 of the POCSO Act deals with child pornography, which prohibits the use of children in any form of pornography.⁷

Section 14 of the POCSO Act imposes strict punishments, including imprisonment for not less than five years, extending to seven years in some cases, along with a fine.⁸

Section 15 of the POCSO Act includes importing, distributing, producing or having any such materials that undermines modesty and safety of a child.⁹

Section 28 of the POCSO Act mandates the establishment of special courts. These courts are specially established to have speedy trials in the cases of heinous crimes, which include offences against children.¹⁰

Section 33 of the POCSO Act provides courts with trained personnel to handle delicate cases that involve children and mandate child-friendly procedures. This provision seeks to reduce the

² Protection of Children from Sexual Offences Act, No. 32 of 2012, § 2 (India).

³ Protection of Children from Sexual Offences Act, No. 32 of 2012, § 3 (India).

⁴ Protection of Children from Sexual Offences Act, No. 32 of 2012, § 4 (India).

⁵ Protection of Children from Sexual Offences Act, No. 32 of 2012, § 11 (India).

⁶ Protection of Children from Sexual Offences Act, No. 32 of 2012, § 12 (India).

⁷ Protection of Children from Sexual Offences Act, No. 32 of 2012, § 13 (India).

⁸ Protection of Children from Sexual Offences Act, No. 32 of 2012, § 14 (India).

⁹ Protection of Children from Sexual Offences Act, No. 32 of 2012, § 15 (India).

¹⁰ Protection of Children from Sexual Offences Act, No. 32 of 2012, § 28 (India).

rate of secondary victimisation and protect the psychological well-being of child victims during the legal proceedings.¹¹

SUPREME COURT'S VIEW ON MISUSE OF POCSO

The Supreme Court of India has repeatedly emphasised that while the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) is a welfare legislation enacted to combat sexual exploitation of children, its mechanical and indiscriminate application can result in serious injustice. The Court has recognised that the Act's strict liability framework, particularly the statutory irrelevance of consent below the age of eighteen, has led to its invocation in cases that do not reflect the mischief the statute was designed to remedy. In *Independent Thought v. Union of India*, although the primary issue concerned the constitutionality of the marital rape exception under the Indian Penal Code, the Court cautioned that child-protection statutes must be interpreted in a manner that protects children without producing absurd or disproportionate consequences, underscoring the necessity of purposive statutory interpretation in sensitive criminal legislation.¹² This approach laid the foundation for later judicial scrutiny of POCSO's application in cases involving consensual adolescent relationships.

The Madras High Court in the case *Agavai v. the State*¹³ observed that the issue of consensual sex between minors is a legal grey area in India and concluded that, "punishing the minor boy who enters into a relationship with a minor girl who were in the grips of their hormones and biological changes which is otherwise normative development in the children, is against the principles of the best interest of the child."

On 4th November 2025, the Supreme Court, with the bench of Judges Justice BV Nagarathna and Justice R Mahadevan, in the *Aabad Harshad Ponda v. Union of India & Ors. (2025)*¹⁴ raised serious concerns regarding the misuse and false implications of the Protection of Children from Sexual Offences (POCSO) Act, especially in cases that involve consensual

¹¹ Protection of Children from Sexual Offences Act, No. 32 of 2012, § 33 (India). <https://ccjc.nliu.ac.in/2025/04/17/pocso-child-protection-or-misuse-in-their-name/>.

¹² *Independent Thought v. Union of India*, (2017) 10 SCC 800, ¶¶ 189–193 (India) (emphasising purposive interpretation of child-protection laws to avoid unjust consequences).

¹³ Criminal Revision Case No. 877 of 2021, Decided by the Madras High Court on 29.04.2022

¹⁴ *Aabad Harshad Ponda v. Union of India & Ors.*, W.P. (Crl.) No. 382 of 2024 (Supreme Court Case – yet to be decided)

https://api.sci.gov.in/supremecourt/2024/41037/41037_2024_7_32_59638_Order_21-Feb-2025.pdf

adolescent relationships.¹⁵ During a hearing on the requirement for mandatory sex education and legal awareness in schools and educational institutions, the court observed that the law is increasingly being weaponised in cases where adolescents engage in mutual romantic relationships, and there is an immense need for sexual and legal awareness, especially among male adolescents, who are often at the receiving end of criminal liabilities of such prosecution. Although the act was enacted to protect minors from sexual exploitation, its broad criminalisation of sexual behaviour with anyone below 18 years old has led to the prosecution of several teenage boys engaged in consensual relationships. The court observed that such cases tend to blur the line between genuine offences and consensual adolescent behaviour, which results in youthful, adolescent mistakes being subjected to criminal prosecution. At present, another bench is examining a plea to decriminalise consensual adolescent relationships between individuals aged 16 – 18-year-olds, an issue that has been the subject of considerable debate across the country. The Former Chief Justice of India has previously observed that such cases “pose difficult questions” and may require legislative reconsideration based on adolescent psychology and healthcare research.

Activists and experts have observed that although the POCSO Act remains vital for safeguarding children, its rigid framework fails to account for changing social realities. In many cases, families often invoke “honour” or personal revenge or vendettas, have misused the law to punish consensual adolescent romance, unduly impacting adolescent boys from marginalised backgrounds who are not capable of affording a legal defence.

The Court in the above mention case has acknowledged that the extraneous intentions, like family vendettas or revenge, often gave rise to POCSO complaints. Although the Act is well-intentioned and genuine, its implications can often cause serious injustice. Some legal experts think and recommend that lowering the age of consent to 16 years is one possible reform to align India’s law with international standards, but nevertheless, the government opposes any reduction or exceptions and insists on maintaining full protection until 18 years is necessary. Further the court emphasised that the POCSO Act must remain as a shield and not a sword. The court urged policymakers to ensure that, in the process of safeguarding children, the law does not unintentionally criminalise adolescent romantic behaviour or jeopardise young lives.¹⁶

¹⁵ <https://economictimes.indiatimes.com/epaper/delhicapital/2025/nov/05/et-poli/sc-expresses-concern-over-misuse-of-pocso-cases/articleshow/125097253.cms>.

¹⁶ Id

The Romeo–Juliet Clause

The *Romeo–Juliet clause* refers to a close-in-age exemption in statutory rape and child-protection laws, intended to prevent the criminalisation of consensual sexual relationships between adolescents who are close in age. The concept originated in the United States in response to the rigid application of statutory rape laws that failed to distinguish between exploitative adult–child abuse and consensual peer relationships among teenagers. Such clauses do not dilute the age of consent; rather, they carve out a limited exception where the age difference between the parties is minimal and the relationship is voluntary, non-coercive, and devoid of abuse. In contrast, the Indian Protection of Children from Sexual Offences Act, 2012 (POCSO) adopts a strict liability framework, wherein any sexual activity involving a person below eighteen years of age constitutes an offence irrespective of consent, maturity, or proximity of age. This rigidity has generated significant concern, as empirical and judicial observations reveal that POCSO is frequently invoked in cases involving romantic relationships between adolescents, thereby exposing young individuals to severe criminal consequences disproportionate to the nature of the conduct.¹⁷

Judicial acknowledgment of this concern was most clearly articulated by the Supreme Court in *The State of Uttar Pradesh v. Anurudh & Anr.* (2026), where the Court, while deciding a POCSO-related appeal, expressly noted the misuse of the Act in consensual adolescent relationships. In a post-script to the judgment, the Court urged the Union Government to consider legislative reform and recommended that Parliament examine the feasibility of introducing a *Romeo–Juliet clause* to exempt genuine, consensual, close-in-age relationships from the Act’s penal rigour. The Court directed that the judgment be forwarded to the Ministry of Law and Justice for appropriate consideration, underscoring the need to balance child protection with fairness and proportionality.¹⁸ Cases arising purely out of romantic relationships are said to be causing an overburden to the already strained criminal justice system. Therefore, the introduction of a Romeo-Juliet clause would prevent over-criminalisation, reduce misuse of POCSO as a tool of familial or social control, and allow the criminal justice system to focus on cases of real sexual exploitation and abuse, thereby strengthening—rather than weakening—the protective purpose of the statute.¹⁹

¹⁷ Protection of Children from Sexual Offences Act, No. 32 of 2012, INDIA CODE (2012); see also *Statutory Rape*, WIKIPEDIA, https://en.wikipedia.org/wiki/Statutory_rape (last visited Jan. 2026).

¹⁸ *State of Uttar Pradesh v. Anurudh & Anr.*, 2026, (Sup. Ct. India Jan. 9, 2026).

¹⁹ Supreme Court Urges Government to Consider ‘Romeo–Juliet Clause’ to Prevent Misuse of POCSO Act, VERDICTUM (Jan. 9, 2026), <https://www.verdictum.in>

SOCIETAL EXPLOITATION OF THE POCSO ACT

Families misuse of POCSO is well documented. A study shows 80.2% of romantic cases are lodged by parents or relatives after elopement or the discovery of pregnancy. Often, the girl herself disputes the claims about her age and consent. As a result, POCSO becomes a tool to enforce social or parental control instead of fulfilling its actual intended purpose of protecting and safeguarding children against abuse. For example, parents tend to lodge POCSO complaints against boys engaged in consensual relationships with their daughters, driven by inter-caste tensions, inter-faith conflicts or family vendettas. In several cases, the accused if often a teenage boy, parents sue him under POCSO, placing him at risk of criminal prosecution, though the girl claims it to be consensual. The fear of prosecution and punishment may discourage adolescents from seeking and accessing reproductive and sexual health information or services. Victims also suffer equally, but in another way. Girls engaged in consensual adolescent relationships will have to confront social stigma and the trauma caused by legal proceedings. Courts and prosecutors have noticed that it's usually teen couples who are forced to run away or split apart to avoid or escape family punishments, harming their welfare. Forcing a student to undergo a lengthy trial only to impose a "lifelong stigma" on someone very likely to be acquitted. The boy's entire future is at stake, including his education, marriage and social standing, which are jeopardised, and all that for a lawful act of adolescent romantic behaviour. Although the ultimate motive of the POCSO Act is to protect children, in this case, even the intent to protect can backfire. The law dilutes attention to true exploitation as it treats all under the age of 18 as inherently vulnerable. The statute not only pushes an adolescent into the criminal justice system but also punishes a person who posed no threat to others in any manner, and this will waste legal capital that could actually be used to combat real abuse. Prosecuting a boy in a case that ultimately results in an acquittal subjects him to lifelong discrimination for an alleged crime, a result completely disproportionate to any legitimate public interest.

ADOLESCENTS' RIGHT TO PRIVACY AND LIMITED CONSENT

The Constitution of India guarantees Personal liberty and Dignity to all the citizens of India, irrespective of age, under Article 21 (Right to Life and Personal Liberty) of the Indian Constitution. Privacy is the core aspect of human dignity, which is equally applicable to minors as well as adults. Courts have increasingly recognised minors' rights to express and make choices in matters like religion, marriage and sexual orientation. *In re: Right to Privacy of*

Adolescents (2024)²⁰, the Hon'ble High Court of Calcutta held that treating all adolescent relationships as a crime under the POCSO Act can harm a girl's identity and a boy's growing capacities. Similarly, across the country, several High Courts have trimmed or quashed POCSO sentences in teenage relationship cases, invoking what is genuinely in the child's best interests. Reflecting and keeping in mind such issues and concerns, the Madras High Court in *Vijayalakshmi v. State of Tamil Nadu* (2021)²¹ remarked that dragging consenting adolescents before the special courts was never the intention of the Act.

IMPACT ON THE SOCIETY

Ethically, criminalising consensual adolescent relationships tends to weaken equality and fairness among the people in society. In several cases, the prosecution is mostly initiated by the parents or guardians of the girl against teen boys or men. This way, the system in the society labels a girl as "victim" and a boy as "offender" by default.

Often, it's the caste, religion, class and family honour that play a very big role in determining which adolescent relationships get reported. Such cases are often due to personal or societal malicious motives rather than genuine protection of the child. Therefore, the act that was established to protect minors inadvertently becomes a weapon to enforce social hierarchies and punish consensual adolescent relationships.²²

In many instances, it's irreparable damage as the accused loses reputation, faces social stigma and psychological trauma even before a fair trial, and this might never be fully repaired even if the case is acquitted later. It also impacts negatively on genuine victims, as it weakens the voices of real survivors, discouraging them from reporting and speaking out and increases the risk that their experiences may not be believed by society. These false cases also increase the burden on courts; a lot of court time is wasted in the process of trials of fake cases, due to which trials of genuine cases will also consume more time, and judgments will be delayed.²³

The act was designed to protect, but it is often used as a tool of social control. Parents and

²⁰ In Re: Right to Privacy of Adolescents, 2025 INSC 778.

²¹ *Vijayalakshmi & Anr. v. State Rep. by The Inspector of Police & Anr.*, CrI.O.P. No. 232 of 2021 (Mad. H.C. Jan. 27, 2021)

²² <https://vidhilegalpolicy.in/blog/adolescents-sexual-choices-the-pocso-act/>.

²³ Misuse of POCSO Act and Its Impact – Safeguards Explained by Dr Anthony Raju
<https://www.humanrightscouncil.in/blog/details.php?slug=misuse-of-pocso-act-and-its-impact-safeguards-explained-by-dr-anthony-raj-1758707861>.

guardians exploit the law and use it as a weapon to punish inter-caste or inter-faith relationships. A boy in his twenties in a consensual relationship with a slightly younger girl finds himself charged with kidnapping, rape, criminal intimidation and sexual harassment. To the court, though the girl herself claims that she consented to it, often her consent is not taken into consideration, as the court claims that the law doesn't allow her to consent. Such instances make it evident enough that our society has turned adolescent consensual romance into a legal sin and the essence of love into a criminal intent.²⁴

HOW TO CONTROL GENUINE AND FAKE POCSO CASES

The Supreme Court has been emphasising the urgent need for mandatory sex education and legal awareness regarding adolescent romantic behaviour in schools and other educational institutions.²⁵

Adolescents and all young people must be aware of age-appropriate and accurate information about their bodies, consent, and legal boundaries with respect to romantic relationships and sexual behaviour. Sex education with Legal awareness enables young people to understand the consequences of their actions and behaviour, it helps them to differentiate between what is lawful and what is an unlawful behaviour, and this helps them to make informed choices rather than acting or behaving out of ignorance or wrong information.

The absence of structured sex education and legal awareness makes children and adolescents very vulnerable to both exploitation by other people and unintentional involvement in acts that attract criminal liability. By implementing mandatory sex education with basic legal awareness, educational institutions can play a major role in ensuring that young lives are not misled, trapped or manipulated in any situations that could have serious legal and social repercussions, this could also reduce the rate of genuine POCSO cases, as such awareness also develop fear among individuals which helps them to control their wrong or exploitive behavior.²⁶

Courts must ensure that investigations are conducted independently and honestly, without any

²⁴ <https://theleaflet.in/criminal-justice/innocent-until-forgotten-how-indias-pocso-act-is-criminalising-young-love>.

²⁵ <https://visionias.in/current-affairs/upsc-daily-news-summary/article/2025-11-05/the-economic-times/polity-and-governance/supreme-court-expresses-concern-over-misuse-of-pocso-cases>.

²⁶ <https://www.thehindu.com/news/national/supreme-court-concerned-over-misuse-of-pocso-cases-says-awareness-needed/article70239425.ece>.

bias, before making an arrest. In situations where evidences are weak, unsatisfactory, or appears to be fabricated, bail should not be denied unreasonably. High Courts have inherent powers to quash malicious FIRs to prevent the exploitation of the legal process, and such cases should be awarded with strict sanctions under perjury laws to control abuse.

Police officers, judges, child protection agencies, and NGOs need to be well-trained in how to differentiate between genuine complaints and those that are fabricated. It is also very important to provide therapies and medical attention to those who are involved in such cases when they require it.

Parental involvement plays a crucial role, as both the supposed accused and the victim initially seek their parents' trust, support, and warmth. It is also very important to protect both the victim's and the alleged accused's privacy, and to raise public awareness to safeguard children, while increasing legal awareness and preventing the misuse of protective laws.

These approaches play a vital role in not only protecting children from abuse but also safeguarding their dignity and future from exploitation.²⁷

CONCLUSION

"It is better that ten guilty persons escape than that one innocent suffers"

– William Blackstone

The Protection of Children from Sexual Offences Act, 2012 was enacted to safeguard children and adolescents below the age of 18 years against sexual harassment, assault, abasement and pornography. The act establishes special courts for the speedy trials of such cases. While the POCSO Act endeavours to control the above-mentioned offences strongly, many people exploit its provisions for their personal vendettas and gains.

In a recent judgment, the Kerala High Court²⁸ made a statement regarding the misuse of the POCSO Act. The court underlined that the POCSO Act is being exploited by individuals to fulfil their malicious motives. There is an immense need for delicacy in handling a POCSO case to avoid exploiting the dignity and lives of individuals involved in the case, be it the

²⁷ <https://www.ijlra.com/public/index.php/details/implications-and-challenges-to-pocso-act-an-empirical-study-by-ramneek-kaur>.

²⁸ XXX v. State of Kerala & Anr., CrI. M.C. No. 5582 of 2016, paras. 10–12 (Ker. H.C. July 22, 2024)

supposed victim or the accused.

Section 22 of the POCSO Act imposes sanctions against adults for lodging false complaints under the POCSO Act with an intent to defame or exploit a person's reputation, imposing up to 6 months of imprisonment, a fine or both. This measure safeguards children from being maliciously charged and exploited. Legal reforms like this also help in controlling the misuse of the POCSO Act.

In order to maintain and ensure the effectiveness of the POCSO Act, upholding justice for the supposed victim and protecting the rights of the accused is very important.

By implementing such measures, we can ensure that the POCSO Act fulfils its ultimate purpose of safeguarding children against sexual offences while reducing the misuse of the act by parents or guardians in consensual relationships due to inter-family vendettas and other conflicts that have been increasingly happening in society.²⁹

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