**False Implication and its remedies**

Being falsely implicated means that a false FIR (First Information Report) has been registered against you. An FIR is filed under section 154(1) of the CrPC with the police and is only filed in cases of cognizable offence, a list of which can be found in schedule I of the CrPC. There are cases where certain people file false FIRs against people in order to harass them or falsely implicate them.

A person can file an FIR against any person with the police under section 154(1) of the CrPC, in case the police refuse to register the FIR the person can approach the senior police officer under section 154(3) of CrPC and if the police still refuses to register the FIR by approaching the magistrate and 156(3), in which case the magistrate directs the police to register the FIR.

In case any FIR that is filed is false or filed against an innocent person, the person has some remedies in law.

Anticipatory Bail under section 438 of CrPC

In case a false FIR has been filed against a person, the person can approach the High Court or the Court of Session to get an anticipatory bail. But this can be done only cases of Cognizable and Non-bailable offences. The Supreme Court in the case of Gurbaksh Singh Sibba v. State of Punjab has held that in case the accusation appears to stem from ulterior motive to injure and humiliate the accused by getting him arrested, the court may grant the accused anticipatory bail. However multiple considerations must be kept in mind by the sourt for the sae like the nature and gravity of offence, previous convictions of the accused etc.

Quashing of FIR under Section 482 of CrPC

The High Court has inherent powers under section 482 of the CrPC to do justice. Section 482 of CrPC sates that the High Courts have the inherent powers to pass any such orders as may be required to prevent abuse of the process of any Court or otherwise to secure the ends of justice. The high court also has the power to quash an FIR under this provision. The supreme court has held in the case of Varinder Singh v. State of Punjab that the high court may exercise such inherent right to quash FIR in case the allegations made in the FIR when taken at face value do not prime facie constitute any offence or make out a case against the accused.

Discharge under Section 227 of the CrPC

If a person has been falsely implicated in a case, he can file an application for discharge to the court under section 227 of CrPC. If the court upon consideration of the case and the documents related to the case and after hearing the submissions of the accused as well as the prosecutor feels that there is no prime facie case against the accused, the judge can discharge the accused. The Supreme Court in Onkar Nath Mishra and Ors. v. State states that court is required to evaluate the material and documents on record with a view to finding out if the facts emerging therefrom, taken at their face value, disclosed the existence of all the ingredients constituting the alleged offence, if no such case is made out, then the court can discharge the accused.

Writ Petition under Article 226 of the Constitution of India

In case a person is falsely implicated in a case he can approach the High Court by filing a writ petition under article 226 of the Constitution. A person can file a writ petition in the high court in cases where his fundamental rights are violated. The person can file a writ of Mandamus against the police officer in order to direct him to perform his duty in a lawful manner. Or the person may file a writ of prohibition against the lower court to order it to stop such proceedings against the accused.

When the person who was wrongly implicates is either discharged, acquitted or the FIR against him is quashed he can take resort to the following remedies against the person who had falsely implicated the accused.

Section 182 of the IPC

The person who was wrongly implicated can file a complaint with the police officer with whom such FIR has been lodged or to his Senior police officer under section 182 against the person who has falsely implicated him. Under section 182 any person who gives a public servant (here police or magistrate) information that he knows to have been false and causes the public servant to use his power to injure someone would be punishable with an imprisonment upto a term of six months or a fine upto rupees 1000 or both. The court has held in the case of Saloni Arora v. State of Delhi that when taking recourse under section 182 of the IPC the procedure established under section 195 of CrPC must be followed otherwise the action would be rendered void. Which means that a case under this section can be instituted only on the complaint of the public officer who has received such false information or an officer to whom this officer is a subordinate.

Section 211 of the IPC

The person who was falsely implicated can file a complaint under section 200 or an application under section 156(3) to the magistrate against the person who wrongly implicated him under section 211 of the IPC. Under section 211 any person who has falsely charged any person to have committed some crime or has cause a criminal proceeding to be instituted against a person with an intention to cause injury can be punished with imprisonment upto 2 years or a fine or both. In case the crime with which the person has been wrongly charged is punishable with death or an imprisonment of above 7 years, such a person will be liable to be punished upto 7 years and a fine.

In the case of M.L. Sethi v. R.P. Kapoor the Supreme Court has held that a complaint of an offence under section 211 is maintainable even at the stage of investigation of the first information report. This means that a person who has been falsely implicated does not need to wait till the investigation against him is completed in order to file a complaint under this section.

Section 167 of the IPC

Under this section a public servant who prepares or frames a document in a way that he knows to be incorrect and thereby intends to cause injury to a person can be punished with imprisonment for a period of three years or a fine or both. Under this section a police officer who intentionally registers a false FIR against a person can be punished.

Section 250 of CrPC

If a magistrate discharges or acquits the accused in any case instituted upon complaint or upon information given to a police officer or to a Magistrate and is of the opinion that there was no reasonable ground for making the accusation can order such a person to pay compensation to the person falsely accused. The amount of compensation that a magistrate can order is equal to the amount of fine it can impose on an accused.

Suit of defamation

The person who has been wrongly implicated can also file a suit of defamation against the person who has falsely implicated the person. This is because by the mere act of a criminal case being registered against a person his reputation suffers a great harm. The person can seek compensation from the erring party through such a suit. Such a suit can be filed under section 19 of the Code of Civil Procedure or may also file a case of criminal defamation under section 500 of IPC.

As can be seen that a person who has been falsely implicated by someone has remedies in the legal system to address his grievance and also get compensation for the troubles that he might have to go through because of it. The law also provides for the punishment of those who intentionally file false cases against some person.