

POCSO Turned Upside Down: When the Protector Became the Predator, and the Law Was Blinded by Love

By: Mohammad Imthiyaz,

Practising Advocate at High Court of Telangana | *Legal Columnist*

"Laws meant to protect the innocent must never become weapons in the hands of the vengeful."

In the dusty corners of a Telangana village, far from the gaze of national headlines, unfolded a case so strange, so layered, and so disturbing — it would put any courtroom drama to shame. This wasn't just a case under the **Protection of Children from Sexual Offences Act (POCSO)**. It was a mirror to how personal vendetta, unrequited emotions, and systemic blind spots can twist even the most sacred legal frameworks.

- A Love Story — With a POCSO Sting**

It all started years ago when a **married woman**, well above the age of majority, entered into a romantic affair with a **minor boy**, aged around 15. The relationship wasn't a secret. It lasted nearly **7 years**. And if that wasn't shocking enough, this affair is **admitted in the FIR** by the complainant herself — who is none other than the **mother of the alleged victim** in the POCSO case that followed.

As time passed, the boy grew into a man, started a new life, and got engaged. That's when the script changed. The once-lover, now mother-turned-complainant, weaponized the law. Out of what appears to be **sheer jealousy and emotional retaliation**, she slapped a case under **POCSO and Section 376 IPC**, claiming the man — now 22 — had assaulted her minor daughter.

But here's the twist: **the same man had been her lover when he himself was a minor.**

- The FIR That Raised Every Eyebrow**

Let's break this down in plain legal sense:

- The **FIR openly admits** a years-long relationship between the complainant and the accused.
- The **accused was a minor** when the relationship began — a child under law.
- The **complaint was lodged only after** he got engaged to someone else.
- There was **no immediate resistance**, no call to neighbours, no medical evidence, and a **20-day delay** in lodging the complaint.
- The police did **not seek police custody**, nor did they record compelling grounds for arrest.

Yet, despite this, **the accused was arrested and jailed**, facing grave charges under a law originally enacted to protect him.

- **When the Court Saw Through the Smoke – But the Police Looked the Other Way**

Thankfully, the Court did not get swayed by emotional theatrics. It read the FIR, weighed the circumstances, and **granted bail** to the accused. It observed that the affair was longstanding, the complaint appeared timed with malice, and there was **no credible or immediate indication of assault**.

But what is **equally concerning is what the police did not do**.

Despite **clear admissions** by the complainant of her **affair with a minor**, the police **did not register a single case under POCSO** against her. There was no inquiry into her actions, no acknowledgment that a **minor boy was exploited**, emotionally and possibly physically, for years.

This **one-sided enforcement of the law** speaks volumes.

- **Justice Must Cut Both Ways**

POCSO is a **gender-neutral law**. It is supposed to protect *children* — irrespective of gender — from sexual offences. When the law is invoked against a man who was himself a minor at the time of the actual relationship, and **no action is taken against the adult woman** who

admitted to being romantically involved with him, one must ask: **Has the law lost its compass?**

The boy, now a young man, with **no criminal background**, a **daily wage worker**, and the **sole breadwinner** for his family, was nearly destroyed by this misuse. His freedom was nearly curtailed, not because of proof, but because of a **personal grudge wrapped in legalese**.

- **The Bigger Problem – When Laws Are Twisted, Justice Gets Choked**

When individuals manipulate protective laws for **emotional revenge or ego** — it's not just the accused who suffer. The credibility of the entire legal system is at stake. Worse, it trivializes the plight of **real victims**, who genuinely need these laws.

This case is a **chilling reminder**:

- That **love turned sour** should never be allowed to turn into false prosecutions.
- That **emotional betrayal is not equivalent to a legal offence**.
- That **police must apply the law impartially**, not selectively.
- And that **courts must continue to act as the last guardians** of justice when others fail.

- **Final Word**

The law must evolve. Not in its letter — but in its **implementation and understanding**. The courtroom is not a stage for soap operas. It is a sanctum where truth must outweigh theatrics.

In this case, the accused walked out with his dignity intact — thanks to a Court that looked beyond the smoke. But many others may not be so lucky.

Let this story be **a wake-up call**, not just a headline.

Justice must never be hijacked by heartbreak.