

"whoever, falsely  
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with having  
committed



**ASSIGN  
BUSTER**

“ Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; And if such criminal proceeding be instituted on a false charge of an offence punishable with death, imprisonment for life, or imprisonment for seven years or upwards, shall be punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.” Section 211 deals with two distinct offences: (i) Actually instituting or causing to be instituted a false Criminal Proceeding against a person; (ii) Preferring a false charge against a person for having committed an offence. To constitute an offence under Section 211 the ingredients are (i) The accused instituted or caused to be instituted a criminal proceeding against a person; (ii) He falsely charged a person with having committed an offence; (iii) He did so with intent to cause injury to such person; (iv) He did so knowing that there was no just or lawful ground for such proceeding or charge. The word ‘ whoever’ in Section 211 means that this section applies not only to a private individual, but also to a police officer, who brings a false charge of an offence with intent to injure another person. The intention to injure is an essential ingredient of offence under Section 211. The words ‘ criminal proceedings’ in Section 211 means a step taken in a Criminal Court as per CrPC, for the purpose of preventing a crime or for prosecuting a person for the commission of crime.

If a person falsely sets the criminal law in motion by making false complaints to the police of a cognisable offence, it amounts to instituting criminal proceedings within the meaning of Section 211. Merely giving false evidence in a court does not amount to institute of Criminal Proceedings. The false charge given should be with the intention to cause injury to a particular person. The ingredients of Section 211 are similar to those of Section 182. Both the sections deal with institution of false charges with intention to cause injury.

However there is a clear distinction between a false charge falling under Section 211 and false information given to the police falling under Section 182. First, a person prosecuting another under Sec. 182 need not prove malice and want of reasonable and probable cause except so far as they are implied in the act of giving information, but in an inquiry under Section 211, proof of the absence of just and lawful ground for making the charge is an important element. Secondly, under Section 182 false information is given to a public servant with intent to cause him to do or omit anything which ought not to be done or omitted or to use the lawful power of such public servant to the injury or annoyance of any person; under Section 211 criminal proceedings are initiated or false charge is laid with a view to cause injury to the person informed against. Thirdly, in order to make the offence complete under Section 182, it is not necessary that the public servant should have acted upon the false information, as the offence is complete as soon as the information is given. But for institution of criminal proceedings the criminal law must be set in motion before the offence is complete, i. e.

Proceedings are instituted and commenced. And, lastly, under Section 182, the false information given should be to the knowledge or belief of the information; but under Section 211 the information should only make his complaint without any just grounds or without due care and caution. For an offence to be instituted under Section 211, complaint of the court in which the proceedings have been initiated is essential as per Section 195 CrPC. No private party is entitled to file a complaint. The offence under Section 211 is non-cognizable, but warrant should issue. It is bailable, but not compoundable, and is triable by Court of a Magistrate of the first class.