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Legal Rights of Men in India: The Impact of Section 498A, Domestic Violence Act, and Other Laws

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ABSTRACT

Indian men's legal rights in marriage-related issues and family law concerns are covered in this chapter. Section 498A IPC and the Domestic Violence Act are critically examined in light of gender neutrality in law. These laws protect women from harassment, cruelty, and domestic abuse, major societal concerns. Over time, questions have arisen about their abuse and legal prejudice against males. Many men and their families have suffered unfair arrests, mental agony, financial hardships, and lengthy legal battles due to false charges. Judicial interpretations, landmark judgements, and statistics are examined to determine how these laws are applied in real-lives. It explores how courts have identified abuse and prevented unfair prosecution. Falsely accused males face persecution, social humiliation, and financial devastation due to insufficient legal protections. The research also explores how such instances effect child custody, alimony, and property settlements, which can damage men's life.

This chapter examines the psychological, social, and economic effects of false allegations on males. Many wrongly accused males suffer sadness, anxiety, and reputation loss, hurting their personal and professional life. Due to lengthy court fights, accused families endure social estrangement and financial hardship. These incidents demonstrate the need for legislative reforms and improved ways to distinguish abuse from deception. Men in India can quash false cases, file counter-suits for defamation and perjury, and seek compensation for unfair prosecution. These therapies are time-consuming and expensive, leaving many men with little choices. Also highlighted are human rights organisations, men's rights campaigners, and legal advocacy groups' roles in spreading awareness. India has seen a rising debate on men's rights and calls for gender-inclusive legislation which protect both of them in common. Some experts propose men's commissions like the National Women Commission to counter false claims, marital abuse, and legal harassment. judicial changes, enforcement improvements, and awareness efforts are needed to build a fair and balanced judicial system.

This report recommends policy, judicial, and legislative changes to promote gender-neutral justice. This chapter addresses the legal, social, and psychological barriers

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wrongly accused males have to participate to the gender equality and legal justice discourse in India.

Keywords: *Domestic violence act, gender justice, false accusations, legal remedies, judicial reforms, men's rights movement*

I. INTRODUCTION

Over time, the Indian judiciary has changed to protect people from domestic abuse, marital cruelty, and other family issues. The DV Act,³ and Section 498A of IPC⁴ strive to ensure women's protection from abusive practices, harassment, and dowry harassment.⁵ These legal measures have helped many actual victims seek justice, but their misuse and men's unanticipated legal disadvantages have raised concerns.⁶ Women have traditionally been the targets of intimate partner violence, while males have been the offenders. Recently, males have been recognised as victims of domestic abuse, false charges, and legal prejudice.⁷ Many married men have been wrongfully accused of crimes, resulting in erroneous arrests, protracted legal fights, and personal and professional devastation.⁸ Despite these obstacles, men's legal rights are rarely discussed or protected as well as others'. This chapter discusses Indian men's legal rights in marital problems, domestic abuse charges, and family law issues. It critically investigates how laws meant to empower and protect women may be exploited to unfairly penalise males.

This research examines court judgements, legislative discussions, and statistical data to underscore the importance of an equitable and impartial legal system that preserves justice, equality, and due process for all genders.⁹ This chapter also explores how biased laws affect families, relationships, and mental health. False charges and extended legal conflicts may ruin marriages, families, and cause emotional misery. Legal harassment often causes psychological anguish, despair, financial instability, and social humiliation, which makes it harder for men to live normally.¹⁰ Recent discussions have focused on gender-neutral legal reforms that recognise males as possible domestic abuse and legal exploitation victims. Legal experts, campaigners, and judges have underlined the significance of reviewing legislation, fixing

³ Ibid.

⁴ The Indian Penal Code.

⁵ The Protection of Women from Domestic Violence Act 2005, No. 43 of 2005; Indian Penal Code 1860, s. 498A.

⁶ Malimath Committee Report on Reforms of the Criminal Justice System (2003) Ministry of Home Affairs, Government of India.

⁷ Rakesh Kumar v State of Haryana (2009) SCC Online P&H 1562.

⁸ Rajesh Sharma v State of UP (2017) 8 SCC 746.

⁹ Law Commission of India, 'Consultation Paper on Reform of Family Law' (2018).

¹⁰ National Crime Records Bureau (NCRB), 'Crime in India – 2021' (Ministry of Home Affairs).

loopholes, and preventing gender-based assumptions from compromising justice.¹¹ This chapter will also examine policy improvements and ideas that might make India's judicial system fairer and more balanced. This chapter examines the legal, social, and psychological elements of this topic to add to the legal system's gender equality and fairness discussion. It explores men's issues, legal solutions, and efforts to build a more inclusive and fair legal system.¹²

II. DEFINITION AND EVOLUTION OF UNIVERSAL JURISDICTION

In 1983, IPC included Section 498A to ensure protection of married women from cruelty and maltreatment, including dowry demands.¹³ Domestic abuse and dowry-related violence were rising concerns, so the government passed harsh laws to protect women. This law makes cruelty to a spouse or family member a felony that carries a punishable with imprisonment of up to three years and a fine. The term "cruelty" encompasses acts that cause a woman or her family to suffer severe physical or psychological harm, possibly leading to suicide or severe suffering, as well as harassment intended to force them to pay illegal dowry demands. Section 498A was meant to curb domestic violence, but its abuse has raised concerns.¹⁴

Many investigations and judicial cases have shown that false charges are commonly used to push spouses or get a better divorce settlement.¹⁵ Several court rulings have addressed this issue. The Supreme Court ruled in *Rajesh Sharma* that Section 498A false allegations caused unwarranted arrests and harassment.¹⁶ The Court underlined the necessity of procedural safeguards to curb arbitrary arrests stemming from allegations in the *Arnesh Kumar*.¹⁷ These verdicts show that the courts recognise the issue and need a fair inquiry.

Misuse of Section 498A harms men and their families. False charges may lead to unjust arrests, lengthy legal battles, financial problems, and social humiliation. Due to erroneous accusations, many accused under this provision experience mental pain, despair, and suicidal impulses in their personal and professional life. Other family members identified in the lawsuit may also be affected, including elderly parents, siblings, and the accused husband. This raises major issues about judicial system fairness and the necessity of reform to curb misuse of protective legislation.¹⁸

¹¹ Justice Markandey Katju, 'Need for Gender-Neutral Laws' (2016) Live Law.

¹² Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (OUP 1999).

¹³ Indian Penal Code 1860, s. 498A; inserted by Criminal Law (Second Amendment) Act 1983.

¹⁴ Law Commission of India, 'Review of Section 498A, IPC' (Report No 243, 2012).

¹⁵ Indira Jaising, 'Misuse of 498A: The Myth and Reality' (2005) 40(13) *Economic and Political Weekly* 1421.

¹⁶ *Rajesh Sharma v State of UP* (2017) 8 SCC 746.

¹⁷ *Arnesh Kumar v State of Bihar* (2014) 8 SCC 273.

¹⁸ Malimath Committee Report on Reforms of the Criminal Justice System (2003) Ministry of Home Affairs.

Because of these problems, courts and legal experts have debated how to reconcile the law's protective objective with its abuse. These include setting up family welfare committees to review complaints before arrests, encouraging mediation and reconciliation in marriage problems, permitting compounding (settlement), and increasing fines for false reports. These talks attempt to build a legislative framework that protects real victims and prevents innocent people from being harassed.

Section 498A's problems are shown by statistical research and case studies. NCRB¹⁹ reports that many cases brought under this section are acquitted, suggesting a high rate of false or unfounded charges.²⁰ The accused suffer mental and financial stress as many cases sit in court for years, delaying justice for those truly harmed. False allegations have sometimes dragged whole families, including elderly parents and small children, into court. Section 498A protects women from real abuse, but false claims have raised questions regarding its impartiality and administration.²¹ Legal measures that safeguard victims of real abuse and protect innocent people are needed more than ever. The growing judicial attitude and law amendment talks show the imperative for a just and inclusive legal framework that safeguards women's rights and curbs legal exploitation.²²

III. THE DOMESTIC VIOLENCE ACT, 2005: A GENDERED PERSPECTIVE

The 2005 PWDVA²³ gave marital violence victims swift legal recourse.²⁴ Domestic abuse covers “verbal, physical, emotional, sexual, and economic exploitation”. It enables victims to get custody, financial, housing, and protection orders from the court to keep them safe and secure. The DV Act enables women to get restraining orders and financial support without a criminal prosecution, unlike “Section 498A of the IPC, which criminalises cruelty”.

Over time, courts have enlarged the Act beyond marriage. According to courts, women in live-in relationships and other dependent female household members including mothers, sisters, and daughters are likewise protected.²⁵ This broad applicability has strengthened the Act's goal of protecting women in violent home settings. The law has empowered women, but its gender-specificity it does not recognise males as domestic abuse victims has generated concerns.

¹⁹ The National Crime Records Bureau.

²⁰ National Crime Records Bureau (NCRB), ‘Crime in India – 2021’ (Ministry of Home Affairs).

²¹ Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (OUP 1999).

²² Justice Markandey Katju, ‘Need for Gender-Neutral Laws’ (2016) *Live Law*.

²³ Protection of Women from Domestic Violence Act.

²⁴ The Protection of Women from Domestic Violence Act 2005, No. 43 of 2005.

²⁵ *D. Velusamy v D. Patchaiammal* (2010) 10 SCC 469; see also *Vimal v Veena* (2016) SCC Online Del 5004.

A prominent criticism of the Act is its lack of legal protections for male domestic abuse victims. Despite rising evidence that males are abused in personal relationships, the law does not protect them.²⁶ Men have been accused of physical violence, emotional manipulation, financial exploitation, and false charges in domestic contexts, yet this statute does not protect them. This has raised questions about whether India should establish non-discriminatory domestic abuse laws safeguarding all victims. Countries including the US, UK, and Canada have gender-inclusive marital violence legislation that protect both the gender. Comparative research reveals that these nations' legal frameworks recognise that males can also experience domestic violence in diverse ways.²⁷

Several Indian legal professionals and advocacy organisations have called for similar amendments to make domestic violence legislation more inclusive and recognise that relationship abuse may happen to anybody.²⁸ The Domestic Violence Act prevented males from seeking legal protection for serious violence, as shown in case studies.²⁹ Some men have been physically assaulted by their spouses, while others have suffered mental and emotional abuse, including illegal accusations and financial exploitation. Lack of gender-neutral legislation makes it hard for these people to get justice, causing psychological pain, social humiliation, and even death.³⁰

The 2005 Act,³¹ has protected women, but its exclusion of male victims raises doubts about India's legal framework's justice and inclusion. Discussions on gender inclusive domestic abuse legislation are needed to secure that all victims receive equal legal protection and justice.³² India's legislative reform discussion should prioritise protecting actual victims and preventing abuse.³³

IV. LEGAL RIGHTS AND REMEDIES FOR MEN FACING FALSE ACCUSATIONS

Recent concerns have been over the misuse of legal laws in marital conflicts, when some males are subjected to baseless allegations of domestic abuse and dowry demands, and cruelty.³⁴ “Section 498A IPC and the DV Act”, were intended to protect women, yet, they

²⁶ National Family Health Survey (NFHS-5), Ministry of Health and Family Welfare, Government of India, 2021.

²⁷ UN Women, ‘Global Database on Violence Against Women – Legal Frameworks’ (2022).

²⁸ Save Indian Family Foundation (SIFF), ‘Memorandum on Gender Neutral Laws’ (2020).

²⁹ Dinesh DSouza, Men Too: Legal Victims of Domestic Violence (LexisNexis 2020).

³⁰ Geeta Pandey, ‘India’s Gender Laws and Male Victims’ (BBC News, 2020).

³¹ Ibid 22.

³² Law Commission of India, ‘Reform of Family Law’ (2018); also see Parliamentary Debates (Lok Sabha), 2005.

³³ Justice A. K. Sikri, ‘Gender Neutrality in Laws: The Need of the Hour’ (2019) Lecture at National Law University, Delhi.

³⁴ Law Commission of India, Report No 243: Section. 498A IPC (2012).

have often been exploited for personal vendettas or gain an edge in divorce and custody cases. False allegations can cause unjust arrests, reputation harm, financial burden, and emotional misery.³⁵ However, Indian law offers wrongly accused men legal recourse. IPC s 211 penalises false allegations with intent to injure, making it a crucial tool for combating false cases. This clause criminalises deliberately filing a false complaint against someone with evil intent. In circumstances of misleading information to public authorities resulting in improper legal action, Section 182 IPC applies.

These measures hold lawbreakers responsible, but prosecuting such cases can be difficult and time-consuming.³⁶ Judicial intervention has been instrumental in stopping unlawful incarcerations and highlighting procedural misconduct. The Apex Court enunciated safeguards against automatic arrests in Section 498A IPC cases through the Arnesh Kumar ruling. The Court directed the police to conduct a preliminary inquiry prior to making any arrests, and required magistrates to provide justification for detention. These standards have reduced needless arrests, but false allegations still harass and harm men and their families. In cases of wrongful prosecution, courts have allowed men to seek compensation.³⁷ Falsely accused individuals can sue for mental anguish, financial loss, and reputational injury. However, filing for compensation involves additional judicial steps, which might prolong the legal struggle for people facing false allegations.³⁸

Apart from legal options, therapy and mediation can resolve marriage issues before they become lengthy court fights. Family Courts urge rapprochement between separated couples, especially when children are involved. Mediation resolves disputes without criminal litigation, relieving courts and lowering mental and financial stress.³⁹ Child custody and parental rights are difficult for males in family conflicts.⁴⁰ Fathers struggle to get custody or visitation in India. Many males facing false allegations struggle to prove parental rights because courts presume the woman is the better caretaker. Fathers are denied access to their children due to family law gender prejudices, causing profound mental pain.

Balanced custody rules that protect children and dads are in demand. The legal system allows males to dispute false claims, but more awareness, judicial changes, and gender-neutral laws

³⁵ National Crime Records Bureau (NCRB), Crime in India – Annual Report (2021).

³⁶ Kiran Bedi and Pooja Bhatt, 'Misuse of Legal Provisions and Men's Rights in Matrimonial Cases' (2020) *Journal of Indian Law and Society*.

³⁷ Maria Margarida Sequeira Fernandes v Erasmo Jack De Sequeira (2012) 5 SCC 370.

³⁸ Gaurav Jain, 'Legal Rights of Men Facing False Accusations' (2021) *Live Law*.

³⁹ Law Commission of India, Report No. 222: Need for Justice-dispensation through ADR (2009).

⁴⁰ Malavika Rajkotia, *Intimacy Undone: Law of Marriage and Divorce in India* (Oxford University Press 2017).

are needed to assure justice.⁴¹ Ensuring harsh sanctions for false complaints, fostering fair investigations, and enhancing the rights of wrongly accused persons would assist create a gender-neutral judicial system.⁴²

V. ADVOCATING GENDER-NEUTRAL LEGAL REFORMS

The Indian legal system has improved domestic violence, matrimonial cruelty, and harassing victim protection. However, most of these laws target women as victims and males as criminals. These rules were meant to correct historical injustices, but they have created legal discrepancies that limit remedies for males who are abused, falsely accused, or unfairly treated. Gender-neutral legislative reforms are being sought to safeguard all persons. Social perception is a fundamental obstacle to legislative reform. Lawmakers are hesitant to acknowledge men as victims of domestic abuse and harassment due to the prevailing belief that such acts are perpetrated solely by women. Despite proof that males are abused and discriminated against, women's rights groups believe that gender-neutral laws might diminish protections for women.⁴³

Fair and balanced legal reforms require overcoming these deep-rooted prejudices. Many legal professionals and activists have suggested gender-inclusive legislation that protect men, women, and transgender people. Advocates propose changing the Domestic Violence Act to include male victims, allowing males to seek legal protection from violence, and preventing false charges in marriage disputes.⁴⁴ These amendments would guarantee legal protections are based on the crime, not the victim's gender. Comparing international legal systems shows that Indian laws must be gender neutral. Domestic violence and false allegations may harm anybody; hence the US, UK, and Canada have gender-neutral domestic violence and marital legislation.⁴⁵

In these legal systems, victims of either gender can file complaints and get legal remedies without discrimination. Studying these overseas examples can help India create more inclusive legal change. NGOs and men's rights groups have raised awareness of men's legal issues.⁴⁶ To promote more balanced legislation, these groups offer legal, emotional, and

⁴¹ Justice A.K. Sikri, 'Gender Equality and Judicial Interpretation in Indian Family Law' (Lecture, NALSAR University, 2018).

⁴² Law Commission of India, Report No 257: Reforms in Guardianship and Custody Laws (2015).

⁴³ Rukmini S, 'India's Domestic Violence Law Fails Men – But Not In The Way You Think' Scroll.in (17 August 2020) <https://scroll.in> accessed 14 April 2025.

⁴⁴ Kirti Singh, *Law, Gender and Violence: The Need for Gender Neutral Reforms in India* (Oxford University Press 2016).

⁴⁵ International Center for Research on Women, Policy Brief on Gender-Neutral Domestic Violence Laws (ICRW 2022) <https://www.icrw.org> accessed 14 April 2025.

⁴⁶ Save Indian Family Foundation, 'About Us' <https://www.saveindianfamily.org> accessed 14 April 2025.

policy advice. These organisations continue to advocate for gender equality in legal protections through petitions, legal campaigns, and policymaker debates. Media portrayals of men's rights and legal concerns can influence public opinion. Mainstream media often portray women as victims, ignoring men's false claims, domestic abuse, and legal prejudice.⁴⁷

Media sensationalism can perpetuate preconceptions, making men's difficulties harder to identify. Social media and independent journalism have raised awareness of gender-neutral legislation and equal legal treatment.⁴⁸ Legal modifications, public awareness, judicial acknowledgement, and policy lobbying are needed to achieve gender-neutral legal reforms. A fair legal system requires equal access to justice for all genders. To provide unbiased and inclusive justice, legislation should focus on the crime rather than the victim's gender.

VI. PSYCHOLOGICAL AND SOCIAL IMPACTS ON MEN

Men might suffer psychological and social harm from false charges, extended litigation, and legal fights in divorce conflicts. The mental health challenges of males in family conflicts are typically overlooked while women's suffering is highlighted. Wrongfully implicated males in cases of domestic violence or dowry harassment may experience intense stress, anxiety, and depression, adversely affecting their overall well-being. Studies have shown that being labelled an abuser even without proof can cause prolonged psychological discomfort and even suicidal impulses.⁴⁹ Fear of arrest, legal fees, and uncertainty about their future add to mental weariness and emotional breakdowns.

Men facing false charges face social exclusion and career difficulties in addition to mental health issues. For many men, being accused of domestic violence, dowry harassment, or cruelty is enough to ruin their image in society and the job. Legal cases may cost employers jobs, promotions, or career chances.⁵⁰ Due to legal conflict stigma, friends, family, and colleagues may withdraw themselves. Many males avoid socialising for fear of being called criminals or abusers, causing isolation, loneliness, and significant emotional suffering.⁵¹ Despite these obstacles, family and community support networks assist men overcome legal and emotional issues. Support organisations, NGOs, and mental health experts are recognising

⁴⁷ Shashi Shekhar, 'Media Bias in Domestic Violence Coverage in India' (2021) 7(1) *Journal of Gender & Law* 45.

⁴⁸ Prashant Reddy T, 'Social Media and the Rise of Men's Rights Discourse in India' (2023) 12(4) *Indian Journal of Legal Studies* 67.

⁴⁹ K Kumar and A Sharma, 'Psychological Impact of False Allegations of Domestic Violence on Men in India' (2021) 9(2) *Indian Journal of Psychiatry and Law* 34.

⁵⁰ R Kaur, 'Social Stigma and Professional Repercussions of Legal Accusations Against Men' (2022) 18(3) *Journal of Gender, Law & Society* 112.

⁵¹ Save Indian Family Foundation, *Voices of the Falsely Accused: A Report on Social Isolation and Legal Struggles* (SIF Foundation 2020) <https://www.saveindianfamily.org> accessed 14 April 2025.

the need for legal therapy for males.

Peer support groups let guys talk, get advice, and get emotional support. Legal awareness programs assist males understand their rights and legal options, preventing them from feeling powerless amid false allegations.⁵² Parents and siblings may assist men cope with legal and personal issues by providing emotional and financial support. Open talks on men's mental health and legal rights are crucial in a culture where gender norms and prejudices restrict men from coming out or seeking treatment. These psychological and societal issues demand knowledge, legislative reforms, and stronger support networks to enable males suffering false allegations or biased legal treatment get justice.⁵³

VII. ROLE OF JUDICIARY AND ITS CONTRIBUTION

In India, the judiciary has been very important in figuring out how the rules about marriage issues should be applied and interpreting them. “Sec. 498A of the IPC and DV Act” were introduced to protect women from domestic abuse and violence. Nonetheless, there are growing concerns about their potential misuse, which may expose men to unjust legal consequences. The Apex Court has made a number of important decisions over the years that show how important fair trials, protections against fake accusations, and gender-neutral law changes are. The following cases show how judges try to find a balance between protecting people and making sure these rules aren't abused.

A. Arnesh Kumar v. State of Bihar (2014)

In this case, the Hon'ble Apex Court observed that provision 498A of the IPC was being extensively misused, resulting in the arrest of men and their family members without adequate evidentiary support. The Court saw that a lot of Section 498A reports were made just to bother the accused, not because they had real problems. To stop cops from arresting people for no reason, the Court gave them strict rules:

- Police officers must do a good investigation before making an arrest.
- People should not be arrested just because they are accused.
- Before ordering detention, the Magistrate must make sure that the right steps have been taken.

⁵² Men Welfare Trust, ‘Legal Literacy and Emotional Support for Men in Distress’ (2023) <https://www.menwelfare.in> accessed 14 April 2025.

⁵³ S Banerjee, ‘Challenging Masculinity Norms: The Case for Men’s Mental Health Awareness in India’ (2021) 6(1) Indian Journal of Social Psychology P-88.

- Before arresting anyone under Section 498A, the cops must write down the reasons for their decision.⁵⁴

This decision made police more responsible and made sure that searches made under Section 498A are not used to bother people who aren't guilty. The principles established in this case have become a significant mechanism for safeguarding the rights of individuals who are facing criminal accusations.

B. Rajesh Sharma v. State of U.P. (2017)

In this case, the protections against abusing Section 498A IPC were tightened even more.⁵⁵ The Supreme Court noticed that many cases under this clause were brought with false accusations, which caused husbands and their families to be harassed. The Court said that to stop people from abusing the law,

- Family Welfare Committees (FWCs) should be set up in every district to look into complaints before they are taken to court.⁵⁶
- Without an FWC reviewing the case and finding that the accusations are true, no one should be arrested right away.
- Senior police officers must oversee the investigation before any arrests are made.

However, in 2018, the Supreme Court changed these instructions and said that FWCs shouldn't be required.⁵⁷ Instead, it should be up to the High Courts to decide if they want to form one. Even so, the judgement made it clearer than ever that proper research must be done before civil action is taken.

C. K. S. Joseph v. State of Kerala (2022)

The Hon'ble Supreme Court examined the issue of false accusations in matrimonial disputes, particularly in the context of Section 498A of Penal Code. The Court highlighted the grave repercussions of wrongful allegations, noting that such claims not only undermine the honour and dignity of the accused but also erode the credibility of legitimate instances of domestic violence. Stressing the imperative to prevent the misuse of legal provisions, the Court held that the act of filing frivolous or malicious complaints ought to be subject to penal consequences. It further emphasized the judiciary's duty to undertake a rigorous and critical evaluation of evidence prior to rendering a conviction under Sec. 498A. The judgment

⁵⁴ Arnesh Kumar v State of Bihar (2014) 8 SCC 273.

⁵⁵ Law Commission of India, Report No. 243 on Section 498A IPC (2012) <https://lawcommissionofindia.nic.in/reports/report243.pdf> accessed 14 April 2025.

⁵⁶ Rajesh Sharma v State of Uttar Pradesh (2017) 8 SCC 746.

⁵⁷ Social Action Forum for Manav Adhikar v Union of India (2018) 10 SCC 443.

unequivocally affirmed that false accusations must be recognised as offences in their own right, necessitating appropriate legal action against those engaging in such abuse of process. This ruling thus reaffirmed the principles of fairness and due process in matrimonial litigation, while simultaneously safeguarding the rights of genuine victims of domestic abuse.

D. Preeti Gupta v. State of Jharkhand (2010)

The Supreme Judiciary observed that a substantial number of complaints filed under Section 498A of the Indian Penal Code appeared to be either exaggerated or entirely unfounded, lacking meaningful proof, which further highlighted the problem of false claims under this statute.⁵⁸ The Court emphasized that legal provisions should not be misused as instruments of personal vendetta or harassment. It stressed the importance of courts thoroughly assessing the authenticity of allegations before granting relief to the complainant. In addition, the judgment called upon the legislature to re-evaluate the formulation of Section 498A of the Indian Penal Code and to incorporate appropriate safeguards to mitigate the potential for its misuse. The Court further recommended that law enforcement authorities exercise due diligence by refraining from arresting individuals without a thorough verification of the facts.

E. Sushil Kumar Sharma v. Union of India (2005)

“The Apex Court ruled that, the misuse of Section 498A is itself a form of injustice”.⁵⁹ The Court acknowledged that although the legislative intent behind Section 498A of the Indian Penal Code was to safeguard women from cruelty and abuse, its misuse could not be permitted to serve as an instrument of harassment against innocent individuals. It underscored that the exploitation of such legal provisions compromises their integrity and detrimentally affects genuine victims. The judgment highlighted the necessity for the judicial system to meticulously scrutinize the veracity of complaints filed under Section 498A prior to the initiation of criminal proceedings. Additionally, the Court asserted that those who lodge false allegations must be held legally accountable. This decision reaffirmed the imperative of adopting a fair and balanced approach in adjudicating matrimonial disputes, thereby protecting the rights of both women and men.

VIII. JUDICIAL CONTRIBUTION AND THE WAY FORWARD

The Supreme Court's decisions highlighted the delicate balance must be maintained between ensuring protection for victims of domestic violence and preventing the misuse of legal provisions such as the DV Act and sec. 498A of the Penal Law. While these legal provisions

⁵⁸ Preeti Gupta v State of Jharkhand (2010) 7 SCC 667.

⁵⁹ Sushil Kumar Sharma v Union of India (2005) 6 SCC 281.

function as essential safeguards for the protection of women, their misuse may result in the unwarranted persecution of innocents. Recognizing this concern, the judiciary has actively intervened to ensure that arrests are not made arbitrarily, promote fair investigations before initiating legal proceedings, and discourage false complaints by holding those who misuse legal provisions accountable. Additionally, the courts have advocated for gender-neutral legal reforms to extend protection to all affected by matrimonial abuse, irrespective of gender.

In order to reduce needless legal disputes, court rulings have often underlined the value of alternative conflict resolution procedures including mediation and counselling. Even with these proactive steps, further legal reforms are necessary to create a more equal and balanced judicial system. Legal procedures may be made more equitable and unjust prosecution can be avoided by enacting gender-neutral legislation and strengthening procedural protections. The judiciary is still essential to maintaining justice, stopping the abuse of the law, and making sure that genuine victims are adequately safeguarded while ensuring the rights of the wrongfully accused are upheld.⁶⁰

IX. CONCLUSION AND POLICY RECOMMENDATIONS

Despite gender, the legal system must address inequities and misuse of protective provisions to achieve justice for all. The PWDVA, 2005 and 498A of the penal code were passed to safeguard female from harassment and abuse, but their misuse has raised questions about legal justice. The necessity for gender-neutral legal changes is clear, since false allegations and biased court processes may harm men and their families. This chapter emphasises the need for judicial protections, legislative revisions, and men's rights awareness in India to build a fair and balanced legal system. Consider numerous policy ideas to achieve this.

First, gender-neutral domestic violence legislation would protect all abuse victims. Given that domestic abuse affects both men and women, several nations have gender-inclusive frameworks. Indian law must follow suit to be more equitable and inclusive. Two, Section 498A IPC revisions should tighten arrest requirements to ensure police perform a thorough preliminary investigation before acting. Penalties for false reports would deter lawbreakers and prevent legal harassment. Three, improving mediation and therapy would help couples resolve marriage conflicts without litigation, saving legal costs and emotional stress. Encourage family counselling, mediation, and negotiated settlements to avoid needless criminal charges and achieve equitable outcomes.

⁶⁰ Law Commission of India, Report No. 257 on Reforms in Criminal Justice System (2015) <https://lawcommissionofindia.nic.in/reports/Report257.pdf> accessed 14 April 2025.

Fourth, fair legal procedures require judicial sensitisation. In domestic violence and matrimonial cases, judges and law enforcement should be trained to recognise and correct gender prejudices. This would guarantee cases are judged on merit rather than gender. Finally, shared parenting legislation is needed to combat child custody inequalities. Courts should prioritise child welfare while maintaining fair parental rights for dads and mothers. Encourage joint custody and provide dads equal access to their children to make family law more child-centered. Finally, genuine justice demands fair legal changes that safeguard everyone. Making domestic violence legislation gender-neutral, revising obsolete laws, fostering mediation, maintaining judicial fairness, and altering child custody rules can improve legal equality and impartiality. Addressing legal gender disparities ensures fairness, accountability, and justice for all, not less safeguards for women.

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