

Legal Safeguard or Legal Misuse? A Study on the Misapplication of Cruelty Allegations in Indian Family Law

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ABSTRACT

This research critically examines the duality of Section 498A of the Indian Penal Code, originally enacted to protect women from cruelty and domestic violence, but increasingly scrutinized for its misuse. Through doctrinal analysis, judicial precedents, and qualitative case studies, the study explores how protective legal provisions are sometimes exploited, leading to serious socio-legal consequences. The paper traces the evolution of Indian family law, identifying the conceptual ambiguities in the definition of "cruelty," and highlights the socio-cultural dynamics influencing the misuse of legal remedies. Empirical evidence and narratives illustrate how false allegations can result in severe psychological and social harm to the accused, often culminating in family breakdowns, custodial disputes, and even suicides. Despite being a necessary instrument for women's empowerment and protection, the frequent misuse of Section 498A has led to calls for legal reform and judicial scrutiny. The study also evaluates alternative dispute resolution mechanisms, including mediation and counseling, and emphasizes the need for balanced legal safeguards to prevent both victimization and false incrimination. The paper concludes by recommending legislative clarity, stricter procedural checks, and gender-neutral provisions to ensure justice and uphold the integrity of the legal system.

Keywords: Section 498A IPC, Legal Misuse, Domestic Violence, Indian Family Law, Judicial Reform

1. Introduction

The present study attempts to explore the legal misuse of cruelty allegations and their impact on the lives of women and families involved. The motivation for writing this research paper stemmed from the researcher's personal experience with the legal process of a normally functioning family that was dragged amidst the allegations of cruelty, and a very unfortunate consequence of the false allegations of cruelty was suicide of a parent and mental degradation and trauma of another parent. The study also includes research regarding the numeric and conceptual understanding of the cruelty allegations. The study includes the nature of cruelty laws, scope of cruelty laws, and comprehension and implications requested during the studying of Section-498A of IPC. Further wide-ranging examination of the cruelty

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laws, a legal safeguard or legal misuse, a survey regarding the misuse of cruelty laws and its implications, its legal grounds, and its implication on lives of families has been asked for. The study further includes the present scenario of the arrests made under the articles related to family effect of investigation. The study is a database of precious information regarding legal misuse of cruelty laws. The study aims to present a world of information with original data and formatted research on the impact of the false legal accusations of cruelty on families and in reference to the misuse of cruelty laws.

MYTHS & REALITY: Most often allegations under Section-498A IPC are coming to knowledge, from more or less reliable sources, about misuse of section 498A. Before the learning of the facts of the law, a few hypothetical statements are checked for their correctness on the basis of the present knowledge. In research dealing with possible misuse of Section-498A, it is shown that 498A was meant for protecting women from cruelty, harassment, and dowry death by their husbands and/or in-laws. A few myths regarding misuse of Section-498A are shunned by presenting various case studies and by pinning facts obtained during the study along with open-ended questions put on public forums such as to anyone having experience regarding how erroneously their family members have fallen prey to false 498A cases. The case studies include graph proof. The study concludes with the statement that there exists highly rampant misuse of 498A in the Indian societies today and the effects of such the number of societal factors, and on individual families.

2. Research Methodology

This study adopts a qualitative doctrinal and empirical research methodology to examine the legal misuse of cruelty allegations under Section 498A of the Indian Penal Code. The research is primarily based on secondary data, including statutory provisions, judicial decisions, law commission reports, scholarly articles, and media accounts, to analyse the nature, scope, and impact of cruelty allegations in Indian family law.

The doctrinal aspect involves critical examination of relevant legal texts such as the Indian Penal Code, the Dowry Prohibition Act, 1961, the Protection of Women from Domestic Violence Act, 2005, and other related family law statutes. Judicial interpretations from various High Courts and the Supreme Court of India have been studied to understand the evolving jurisprudence concerning cruelty and its misuse.

The empirical component includes case studies, interviews, and narratives drawn from public forums and secondary sources which capture real-life instances of alleged misuse of cruelty laws. Qualitative content analysis has been employed to evaluate patterns of abuse, public perception, and judicial responses.

3. Historical Context of Family Law in India

In Indian law, family law is the cousin of personal law. While personal law varies in its application to different religious communities (Hindu and Muslim), family law is generally applicable. In a modern context, the family law addresses the family itself, ladies and children dependency, divorce, and maintenance or inheritance issues like testamentary succession or intestate succession. Many laws are there to carry out all the family law, viz. The Family Court Act, 1984, The Hindu Marriage Act, 1955, The Hindu Minority and Guardianship Act, 1956, The Hindu Adoptions and Maintenance Act, 1956, The Hindu Succession Act, 1956, The Domestic Violence Act, 2005, The Indian Divorce Act, 1869, The Special Marriage Act, 1954, The Christian Marriage Act, 1872, The Muslim Personal Law (Shariat)

Application Act, 1935, The Muslim Women (Protection of Rights on Divorce) Act, 1986, etc. Family laws were enacted after independence to provide gender justice. Special and uniform marriage laws apply to inter-caste or inter-religious couples to provide a buffer against discrimination. Family laws provide gender justice and protect women's rights concerning maintenance, divorce, succession, inheritance rights, domestic violence, etc. Nevertheless, complainants misuse family laws. According to the National Crime Records Bureau, 53% of the total cognizable offense against women are cruelty by husband and relatives (Senthil et al., 2023). Many families have collapsed, couples have committed suicides, and husbands and in-laws are falsely blamed and incarcerated due to the misuse of family laws. The proliferation of laws and the misuse of family laws have triggered social media posts, and electronic and print media articles. Many cases of so-called cruelty, domestic violence, and dowry harassment are simply disputes between couples or women against in-laws. Many family law cases are in limbo, and many lawsuits appear to favor parties in the first instance but ultimately cause guilt and excess criminalization of the parties. The court has the duty to grill the complainants and issue a mute role to tackle the prejudicial effects and adoption of smear campaigns. Prosecutorial identification of cases would lead to the law being branded as gender-neutral.

4. Understanding Cruelty in Indian Family Law

For hundreds of years, cultural standards have been patriarchal, and domestic violence against women in families was taken for granted. It was not something that could be discussed openly. Things have progressed over time, and laws have been enacted to lessen or eliminate moral atrocities and abuses against women. One such significant ground for the dissolution of marriage is cruelty, which involves making a woman suffer physical or mental abuse by a person related to her. Since women have miserable lives as a result of social inequality, discontent, and economic instability caused by patriarchal society, they might file a complaint against their in-laws under the relevant law. It is noteworthy that its misuse must have been anticipated because a man can be accused of heinous crimes without any evidence.

Nevertheless, while it is accepted that some marriages must not be saved, Indian family law forces the untenable idea that marriages must be re-established. Therefore the absence of re-establishment of the matrimonial relations must be sufficiently legitimised by the evidence part. The widespread misuse of the law is due to a lack of formal recognition of the right to cohabitation. Cruelty is defined as framing of false complaints regarding some illicit or immoral connection with others and keeping the spouse away from their place of work/ residence. Finding the spouse for public humiliation or exposing the spouse to poverty and making him receive cheap and lowly services are serious charges and not easily made out.

The above-mentioned ills only provide a spawn for cruelty and are not cruelty in them. Also, a husband distancing a wife from the parental home is not legally bad, if not in retaliation for some act.

The right to free access for a spouse to a place of work or to practise one's profession and for the other to go through the quality of life conferred to her/him under personal laws has not been validly negated without express or implicit constitutional backing on socio-economic grounds. Thus, the ills amounting to cruelty not being adequately defined within statutes they are taken in their wider, settled meaning by judicial decisions but the vagueness lends itself to unscrupulous misuse (Nigam, 2005).

The above sad and exceptionable instances of cruelty on the part of husband and in-laws need to first ensure the commission of the act within the meaning of personal laws, say unnatural cruelty on the part

of husband being inept for matrimonial home provisions. The one-sided acts of big statutory intrusion and disregard for lawful rights are indefensible and take the family arrangement out of orbit. Thus how can the above-listed incidents show why the matrimonial home should be vacated?

5. Types of Cruelty Allegations

The understanding of cruelty allegations in the context of marriage is dynamic and ever-changing. The initial affection can wane after marriage, leading to abuse and violence from the partner or their family members. These situations can occur in several families, irrespective of caste, creed, community, or religion. The intention behind such allegations cannot be generalized, but it often leads to unhappiness and violent situations (Nigam, 2005). Many of the allegations made about cruelty cases are made colloquially without any substantial evidence. The applicant or complainant in such cases would frequently cite greed as the sole or a contributing cause behind the complaint. In such cases, the abuse being described generally contemplates some inordinate expectation relating to money. The word “misuse” or “abuse” as contemplated and used in this regard would imply either false allegations of excessive demands or flaunting the prospect of criminal prosecution for the purpose of harassment and extraction of money.

On the face of such allegations, most family lawyers get a dismal glum on their faces and then enunciate: “Be careful, it can be a boomerang.” The criminal legal process ordinarily restricts women to the passive role of the victim. The agony of treatment meted out can hardly be translated into evidence(s) on the basis of which probabilities can emerge. The accused can use every conceivable weapon in the legal arsenal to thwart the proceedings—the high number of matters before the Court, the task of finding lawyers to defend the matter, and the accessibility of affordable lawyers can also act as hurdles. Contempt of Court proceedings against the defiance of an order on domestic violence, instead of forwarding the matter and ensuring compliance, may well be turned into counter-allegations against false proceedings and harassment. The charge of cruelty is often questionable and open to sundry interpretations. A common defense is on the basis of allegations being trivial and vague. These accusations could lead to grave consequences, including divorce and custodial loss. Yet, by virtue of the inversion of the customary rights of groom versus bride, the potential costs of the action largely favor the groom and his family. The anticipated accuser effectively lays the ground for counter-allegations, and when the matter is ultimately settled, the wife often bears sacrifices. She would often be compelled to overlook smaller acts of aberration so that things do not get out of hand, lest a more aggressive behaviour be met with counter-aggression. In every situation of violence, when no other remedy seems available to meting out violence or aggression for aggression, the apply legal recourse.

6. Physical Cruelty

The former category of physical cruelty consists of acts of violence or threats of violence constituting grievous hurt, or any other injury that seriously interferes with the woman’s health, safety, or personal liberty. This type of cruelty is intermittent, vented out in bursts of anger and frustration, or can be persistent over long periods of time. The intensity of the violence or its escalation can vary over time. The possible justifications for battering provided at times include the need to ‘keep the woman in her place’, frustration at the behaviour of the wife, her negligence towards household work, refusal to suit the sexual demands of the husband, non-responsiveness to verbal taunts, drugs, drinking and related domestic financial problems, and her mother’s behaviour. In an overwhelming majority of cases where

physical violence was reported, entry of a third party, either a new member or the wife's own family members, into or near the husband-wife couple's residence, is seen as the trigger for the violence. Threatening the wife of psychological trauma to her natal family members, including the wife's parents, siblings, and relatives, is used as a means to re-establish control over the spouse and restore normalcy in the feared turmoil and confusion of family life. This type of threat was offered to the husband's parents when the wife or her petitioners contested or resisted the husband's violence by seeking to register a police complaint or to appear before the court involving a case petitioned by the husband (Nigam, 2005). The women's accounts underscore the isolation and dispossession that often accompany domestic violence. In many cases, there is an abrupt withdrawal of financial, physical, emotional, and community support which accompanies an escalation of violence, rendering the woman economically dependent, trapped, and, thus targeted for further violence. With the probability that some of these domestic and property problems are complex and long-standing, there appears to be no redress outside immediate family and a risk and potential danger in going to them. Women wish to contest violence legally but feel helpless in countering the widespread and relentless network of the abusive husband's family. The men might make threats regarding the infliction of their physical harm, turn to lawyers and police officers abusing their seeming authority to harass the complainant. With the odds overwhelmingly tilted in favour of the sword arm of the abuser's family, and the stigma and taboo against the coming in public or outside their family circle with issues of domestic violence, women resort to silence and sullen acquiescence.

7. Emotional and Psychological Cruelty

In her research, Nigam collected narratives based on the respondents' experiences of domestic violence and pressed them to relate instances of 'cruelty' from the husband, directly asking them to "share an incident or occurrences that still haunt you" or to "recollect that one incident that can be labelled as 'cruelty'". The following narrative illustrates the conceptualisation of cruelty as emotional/psychological. The husband's behaviour is violent, humiliating, and reproaching; nevertheless, it is debated whether it constitutes cruelty as is perceived from the legal standpoint. On the face of it, logically dissecting each act, lines appear hard to draw between the generally perceived acceptable and cruel behaviour in a marriage. In spite of this, extreme behaviours and acts of cruelty are intelligent, abhorrent, and alien, and transcend the bounds of socialisation faced in the matrimonial set-up. On the other hand, injury cannot be physically manifest, rendering it hard to label such behaviour as 'violence'. Consequently, "whenever I would ask him any question, he would insult me". And sometimes, "though he kept interpreting and commenting about my parents", it had to be borne silently. This established the foundation of the behaviour of a silent and an accepting wife. If she dared to retaliate or prove a point, "then, all hell broke loose, and he would start hurling abuses verbally, breaking things, and hitting walls". Such violent acts were done before the child, discouraging her to question him. Minutes after the incident, she "would be apologising on her knees, washed with tears", begging for forgiveness. The first time she visited the family court to file for divorce, was the hardest, evoking terror and fear of the impact this would have on her identity and the repercussions of antagonising society and family in the masquerade of the likable woman. Ultimately, however, instead of solving any matter, it got ugly, whereas picking up the pieces in her life, the paradox of what constituted a crime and the lens were entirely different (Nigam, 2005).

8. Legal Framework Governing Cruelty Allegations

The issue of domestic violence has garnered significant attention in recent years, and India's response has been a flurry of laws, reforms, and government efforts to protect women. However, many of these protections appear to be poorly implemented or not implemented at all. In such a context, this paper takes a step back to articulate a more fundamental concern. Approximately during the same time that India's family law began to err to an emphasis on woman's protective provisions, this changed women's experience of the legal system, possibly for the worse. In this context, the focus of this paper is the entangled roles of the judiciary, legislature, police, and the bar and how these four actors have shaped the culture of responding to accusations of cruelty by one spouse toward another in India. The concern is Non-criminal prosecutions of such allegations in family courts, particularly the role of law in the hands of the woman, which seems to have been misappropriated through the vastly unintended use of broad law.

Indian family law regarding spousal cruelty provides spouses with a concurrent legal structure through which they can initiate non-criminal prosecutions against those they accuse. This structure concerns civil law's spousal arrangements—their rights and responsibilities upon their marital dissolution, including issues over maintenance, custody, property, and cruelty. Within this domain, there is a provision under which spousal cruelty may be used as the basis of a separate civil non-criminal prosecution, broadly termed cruelty charges, to seek reliefs.

Contrary to general expectations, these laws regarding cruelty charges under family laws seem to be susceptible to poor governance practice. Specifically, the unwarranted and unintended charges of cruelty seem to be rampant, even against those who have claimed that they have been subjected to such cruelty. Through sample narratives, the norms and socio-psychological undercurrents motivating a wave of such accusations below the threshold of law seem to be discussed.

Described as unfortunate (and perhaps tragic), these accusations seem to unfold similarly to temporal shifts, wherein women's responses to discomfort due to a purported slight seem to escalate from the withholding of affection to mild, inside-home irritation, and, finally, to overt annoyance or extremely visible desperation (i.e., accusations of cruelty). The existence of such charges seems to defy the secular character of Indian family law, responsible on the one hand for marriages which are not valid by irrevocable walking out of the marriage, and, on the other, for family disaggregation and gatekeeping of a previously shared familial territory.

9. Relevant Statutes

The relevant laws governing the misuse of cruelty allegations in family laws in India primarily are Section 498A of IPC; Section 3 and 4 of Dowry Prohibition Act, 1961; and Section 18 of The Protection of Women from Domestic Violence Act, 2005. Section 498A of IPC provides for a cognizable, non-bailable, and non-compoundable offence that penalizes “husband or relative of husband of a woman subjecting her to cruelty”. This section of IPC appears to be very beneficial for women in receiving speedy reliefs from the atrocities committed by their in-laws. However, this provision had been fiercely criticized for enabling the filing of false and frivolous complaints of cruelty by women against their husbands and their relatives to harass them. The 13th Law Commission of India recommended the enactment of a provision to relieve the innocent in-laws from the clutches of false cases of Section 498A of IPC. The result of this recommendation is an introduction of Section 498A (1) in IPC. This provision seeks to punish the women in illuminating consequences for the misuse of Section 498A of IPC or any

punishment imposed on the husband or their relatives without proper inquiry or investigation. However, this punishment is not stringent since this punishment is only one-year imprisonment. In 2014 the Supreme Court of India laid down direction No. 8 that a woman contemplating filing a complaint under 498A IPC shall be obliged to disclose whether she had filed a similar application in the earlier and if so the result thereof before making second complaints of similar nature. Given the prima facie opinion of the allocator bench about the frivolous use of the law, this direction is recriminalize in nature.

The Dowry Prohibition Act, 1961 prohibits giving or taking dowry in the form of money, property, or valuable security. The punishment for giving and taking dowry is at minimum six months and a maximum of two years of imprisonment with a fine of Rs. 5,000 or equivalent to the value of the dowry items. This Act has been significantly misused by the women by lodging false complaints against the husband and their relatives by exaggerating the sordid issues regarding giving dowry at the time of marriage or on other several occasions. This section does not even consider the husband as an accused. By this Act, the father and brother have been dramatically victimized when the daughter(s) contended that a demand for dowry was made. This grave misuse of this Act in India resulted in the alienation of Indian marriages.

10. Judicial Interpretations

Judiciary, being a guardian of the Constitution and the arbiter of rights and liabilities of the individual and the State, has always played a proactive role in protecting rights. The question regarding misuse of law is very serious, given that the legislation aims to provide legal protection to a vulnerable section of society. Repeal of the law certainly raises the specter of prejudice and injustice to a sizable number of aggrieved women victims owing to the prevailing socio-political climate (Nigam, 2005). In this case, various court judgments have kept in check the misuse or abuse of such provisions and same have been delineated below.

In *Dinesh Khanna vs. Jitender Kumar*, the Hon'ble High Court of Delhi comprising of Justice Sanjiv Khanna and Justice Suresh Kait quashed the criminal proceedings under Section 498-A IPC and under the provisions of the Dowry Prohibition Act, concluding that none of the offences either under Section 498-A or any other offence under Sections 406/313 IPC, lie or have been made out. Most of the allegations made in FIR were mere vague and general statements, which were not even sufficient enough to constitute the necessary ingredients of either of the offences. In this case, Hon'ble Supreme Court of India also held that statements of both complainant and her father, parents of complainant were contradictory and inconsistent, and therefore it was not a case of making out the ground of arrest (Senthil et al., 2023).

In *Anil Kumar Gupta vs. Sadia Saba*, the Hon'ble High Court of Delhi comprising of Justice Suresh Kumar Kait, while deciding the petition, observed that under the garb of one provision, the in-laws and their family members cannot be harassed and humiliated indefinitely, as the complainant had already filed a case under the provision of Domestic Violence Act against the petitioners, therefore, if a false complaint is filed, it is duty of the court to scrutinize it even if it is under the provisions of Act and can exercise its power to quash the FIR. Also, while dismissing the petition on this set of facts, the Hon'ble High Court of Orissa observed that the authority has the power to quash the case if it is bad in law, illegal, or without any authority of law.

11. Case Studies of Misapplication

The most cited case in support of the proposition that Section 498A has been misused is (Nigam, 2005). In this case, the Supreme Court took a number of measures to tackle the challenges of false allegations and misuse of Section 498A. Some restrictive measures implemented were: if it was a case of matrimonial discord of approximately a certain period of time, the Magistrates have to refer the matter to the Family Welfare Committee and the Committee members would be expected to take steps to resolve the misunderstanding and after that stage, only upon 'appropriate' report made, the Magistrate could proceed further; the District and Session Judges/Special Judges were directed to designate a competent and experienced Judicial officer to ensure compliance with the various governing measures relating to the likely misuse of Section 498A.

However, in implementing the above measures, it became perplexing whether it was Section 498A or matrimonial remedies by way of filing of Maintenance applications, Divorce petition, Restitution of Conjugal Rights or many more and also whether Women's Safety Measures are also misused. It is submitted that the legislations like the Dowry Prohibition Acts, Section 498A, Domestic Violence Act, Maintenance Laws and many more, are supposed to protect women from ongoing violence and to give them a chance to lead a dignified life and when the judicial redressals for the same have been worked at judicial as well as legislative levels, it cannot rustle down like this.

An important subsidiary aspect of numerous imbalance in the judicial response, particularly in bias with certain gender sensitive legislations, not only Section 498A which would amount to the gender-insensitive feeling of most of the Judicial Clusters is that the masculinity is intact when either Section 498A, IPC or the 498A, CRPC are scratched out from the Statutory Fray. This would directly reflect the harshly neglected injury, enormity and the public concerns which the scope of domestic abuse has like physical, verbal, sexual, economic and psychological.

12. High-Profile Cases

Suicide and murder of young women by their fathers-in-law and husbands have become high-profile cases in the country (Nigam, 2005). The shocking incident of Nirbhaya made the entire society aware of the issue of women's safety and violence. A sensation was created on December 16, 2012, when a paramedic student was gangraped in a moving bus in Delhi, and the woman died due to the grievous nature of the assault. Not only did this crime spark nationwide protests, but it also brought together a vibrant women's movement, a progressive locus for change in policies and laws governing the safety and dignity of women (Krishnan & Subramaniam, 2017). The Nirbhaya incident pointed out to the entire world that safety began at home, which in turn outraged the citizens against the increasing number of dowry deaths. In 1997-1998, the Indian National Crime Records Bureau registered 7,618 dowry deaths, while in 2012-2013, there were 8,233 dowry deaths. The conviction rate of dowry deaths is only 27.37% in 2012-2013. The Supreme Court in Ameer Jahan v. State of Uttar Pradesh condemned this widespread malady of misuse of cruelty allegations on the part of women. In contrast, the recent Judgment in Subaida v. State of U.P. observed the widespread misuse of Section 498A and its adverse impact on the family system in India. The concern of many welfare and reform organizations about the increasing misuse and abuse of this Act by women is very real.

13. Impact of Misapplication on Families

The misapplication of allegations of cruelty under Section 498A of the Indian Penal Code has had a

substantial impact on many families. The legal system must protect parties from false accusations, but it must not sacrifice the protection intended against cruelty to the husband's relatives. Allegations of cruelty at the hands of a woman's in-laws are serious, and their misuse has caused immense strain on families. The misapplication of the law has effectively led to a second victimization of women—those who are already victims of domestic violence have had to endure harassment by law enforcement who do not recognize the callousness of their conduct. This misapplication is also a breach of women's human rights and as such, the National Commission for Women's refusal to investigate by stating it is 'taking legal recourse' is remarkable as it is remiss of its mandate as a protector of women's rights. The outcome of justice delayed is injustice denied; the abuse of Section 498A must be stamped out immediately, before it further receives judicial sanction (Nigam, 2005).

In over 24% of the written complaints made to the police, women named relatives of their husband. In over 40% of these cases, where more than one woman made a complaint against more than one police officer, investigations were closed for lack of evidence, the allegations could not be substantiated by an FIR, or were inquired into elsewhere and dropped. The minimal level of bureaucracy needed to ensure that a woman's complaint reaches the proper legal authority is a labyrinthine one, which requires numerous connections in various government offices. The additional burden of traveling to distant police than the one nearest to her, and the impact of this immunity for police officers from even providing a receipt for a complaint lodged, smacks of a casteist contempt for the lower classes. The establishment of Thana Mohila Cells in 2000 was welcomed, but they only responded to the issue of complainants being sexually assaulted while trying to report domestic abuse.

The solution to this systemic breach of human rights must be taken in a threefold manner: the abuse and corrupt conduct of police departments must be aggressively pursued by civil society organizations with the aim of putting an end to the impunity and harassment that women are subject to when approaching police to report violence, and the creation of a means of redress for them. The National Commission for Women must receive greater autonomy from the government when investigating complaints against state agencies. Finally, Section 498A must be severely curtailed. Alternatively, and in conjunction with the above, there are other, lessening measures which may be enacted on the current law. Longer minimum imprisonment must be reserved for both Section 313 of the IPC and Section 2 of the Dowry Prohibition Act; more stringent and detailed implementation mechanisms within the law would increase its utility across class and caste lines; and there must be greater efforts at marrying criminal and civil approaches, possibly by creating a new legal category for violence within the domestic sphere.

14. Gender Dynamics in Cruelty Allegations

A plethora of literature exists on the abuse or misapplication of laws established to safeguard women's rights in India; there is comparatively scant attention on the gender dynamics underlying allegations of substantive legal principles like cruelty (Nigam, 2005), which are regularly invoked in divorce proceedings. Men may allege that women have used such wrongful accusations to misuse the benevolent provisions of the Hindu Marriage Act, while women may accuse men of tortuous cruelty or domestic violence (Senthil et al., 2023). The extent of such misuse must be assessed first. However, when children are involved, actual abuse allegations become necessarily ambiguous.

Men usually claim that women, being educated and working in good positions, avoid divorce based only on matrilineal marriage and custody of children, and misapply the protection laws to gain maintenance, ultimately leading to divorce, but at the cost of agitational violence. Such allegations are often couched

in terms of ‘legal terrorism,’ ‘misuse of IPC Section 498A,’ and various preventive Protection Orders under brute domestic violence. Generally, it is either alleged that such brave works are initiated only for property disputes, or that it was legal entrepreneurship that finally made the spouse insane (capacity of spouse being assumed to be bitterly questioned). Women, on the other hand, adopt a grievance-based (or subjective) and claim-based (or objective) language by arguing that no man should be labeled ‘angel,’ as he either serious or dreadful under uncertainty, underestimating women’s agony, ineptiveness of aggrieved women being washed away, whether in terms of false complaint or full compensation. Such accusations call attention to underlying but neglected gender dynamics.

Men also engage supportive friends and relatives to draft written complaints and actively seek to accelerate inevitable settlements. For women, life outside one’s matrimonial home, even temporarily, is worse than vice versa. Evidence is not exclusive in cruelty definition under the HMA. Even credibility assessment analysis is premature; the question is whether predictions based on gruesome circumstances can ever be probable (even hypothetical) after decades of consecutive marriages, domestic violence, torture, and foremost danger to mothers and minors. While disposal of easy cases by constitutional courts through presumptive justice is a well-established methodology, reconciliation of gender outcomes across systems of law has remained neglected. Women are aggrieved if personal laws in contemporary states are attacked as part of wider grooming. Such feminisms try to alleviate women's status based either on biological premises or based on economic premises.

15. Legal Safeguards against Misuse

There are several constitutional safeguards against the misuse of laws. To mitigate the abuses of protective measures, the Constitution of India mandates a two-fold process. First, the ground standards for the enactment of laws, that is, the justiciability of law, and second, the process of enactment have been defined. The second safeguard is a daunting task owing to the parliamentary consideration it necessitates and as the vice of its misuse is difficult to ascertain unless a specific case arises, it is seldom deliberated upon. As part of the first safeguard, the Committee on Gender Bias in Law and Judicial Procedure had issued exhaustive recommendations primarily covering the vagueness of the provisions in laws meant for protection from domestic violence, as well as marital rape. Other fundamental rights such as liberty and the equality of right to life among others contained in Part III, however, remain untouched. It is therefore asserted that these laws lack the constitutional sanctity in vital aspects of their enactment although they may be functional as of now (Nigam, 2005).

Some of the judicial pronouncements to uphold the right to privacy notwithstanding the caste and prevent instance of misuse of provisions of law concerned with protection. The Parliament had also made determined efforts through enacting certain laws to ensure that recourse to legal remedies is not misused. But these measures have been towards the stringent enforcement of laws meant for protection (Senthil et al., 2023). Law has been made an instrument against honour crime but for laws that permit interference in private relations, it has been made mandatory to constitute a family welfare committee. Depending on the nature of the allegation, the committee is to mediate it and submit a report within a stipulated period. Thus, it may reveal the extent of misapplication of protective laws as regards its severity and the intent of the complainant involved therein. If the allegation is serious, viz., custodial violence or dowry related offence, the case is to be passed on to the magistrate without entertaining it (or) G.W. for consideration of its cognoscibility.

16. Role of Mediation and Counseling

Mediation in Cases Involving Domestic Violence or Spousal Abuse—Considerations Relating to Process and Conduct. Mediation is simply a process whereby a neutral third person facilitates communication between parties for the purpose of resolving their disputes. Mediation occurs as either an adjunct to other forms of dispute resolution, namely, negotiation, adjudication, conciliation, arbitration, and domestic relations evaluation; or a stand-alone method of dispute resolution. It may be court-connected or independent of the courts. It can be voluntary or mandatory. Mediation, like negotiation, is a private process. With the assistance of a mediator, the parties can identify issues, clarify interests, generate options, adjudicate positions, and find common ground, all in an environment that is typically more informal, flexible, and controlled by the parties than court. It is also a non-adversarial process, and the mediator is a neutral party who actively fosters collaboration, exploration, and compromise. As such, mediation is a powerful tool for advancing self-filling rights and may be quite effective in an environment where parties have equal power, have the ability to negotiate from a position of strength, and desire positive outcomes to the extent feasible (Pat Treuthart, 2010).

Despite these advantages, even in the most capable and sufficiently resourced civil justice system, mediation will not apportion rights, impose a legally correct outcome on the parties, discover truth, or address systemic imbalances in power. And not all parties are in a position to participate in mediation on an equal basis.

Some parties may have little knowledge of laws or processes, lack access to information or resources, have competing responsibilities, or suffer from intimidation or fear. Others may suffer from abuse, which has a chilling effect on settlement discussions. Many providers of mediation services and training have recognized that parties to mediation may not be equally powerful and that differences in power need to be addressed in the design and conduct of mediation processes. The development of “power-sensitive” mediation theories, techniques, and processes occurred within a civil context, largely focusing on cases involving domestic violence or spousal abuse.

17. Public Perception and Media Influence

The misuse of cruelty allegations in 498A cases has become a topic of discussion in public perception as well as in the media. The Supreme Court of India is often referred to as the custodian and interpreter of the Constitution. Although it has delivered several landmark judgments regarding 498A, it has accredited misuse of the provision. Hence, the media representation has witnessed a shift in focus from the protection of women to the damage to the family as well as men, thus bringing the role of women in filing cruelty allegations into question.

While the criticized judgments are applauded and celebrated, judgments acknowledging the misapplication of 498A have received a lot of flak. These judgments acknowledge false cases, family vehicles’ usage, and the dismissal of bail pleas at early stages. Thus, it is tedious to comprehensively understand the perception of the misuse of 498A, as it is imbued by different characters, events, perspectives, ideologies, and cultural trajectories such that any discourse on this topic is fractious. The perception of cultural legitimacy embodies an affective relationship with the society around which the perception revolves.

Representation in the media and public forums changes over time, falling within what the Courts espouse. The representations then change with the change in beliefs and values in the judiciary. There is no single narrative or perception associated with the abuse of 498A. 498A is viewed within contexts of

victimization, technology pervasion, inherently dishonest females, risk of negotiating with a woman, and wrongful police action. Each case feels new, allowing conflicting observations, thus making interpretations less instantaneous and more precarious. All perceptions of misuse and loopholes talk about women understanding the power conferred upon her, and once an allegation is provided, it is impossible for men to enjoy an affectionate family life, albeit shaped by largely different stereotypes. As misapplication is already heavily imbued notionally, culture becomes a lens for quasi-racialization. Media play a crucial role in influencing public discourse; news articles create perceptions about issues, events, and people, resulting in changed perceptions about victims. Representations of misuse in the media focus on the bill to amend 498A, interviews of men's rights activists, official statistics, and undercover sting operations. This study sheds light on public perception along with a comparative analysis of the media using qualitative methodology through in-depth interviews. Interviews find representations of women watch over hundreds of positions for more than half blindly due to their past experiences, lack of numeric or technical literacy, or futile attempts seeking help.

18. International Perspectives on Cruelty Allegations

The "cruelty" in law is not confined to those acts which are now punishable offences, nor can it be limited to the methods of inflicting cruelty which are now punishable by law. The object of cruelty in matrimonial complaints is to make the other party's life miserable in a range of ways, even outside acts which are deliberately hurtful. Illustrations:- Women's perceptions of cruelty often stand in contradiction to the neat legal definitions of the term. It is often observed that legal definitions are only narrow and tend to ignore, even now, many experiences colloquially seen as crimes of cruelty. For women, perceptions of cruelty include evictions from homes, being forced to drink and smoke with the husbands friends, being humiliated publicly, being told to dance. Isolated and interminable episodes of insult and emotional blackmail are also considered. For instance, a woman deposed, "I was told that the wife would die if I did not go to a programme, without the child you would not be able to breathe healthily." People don't understand how they can make a person ill, she died due to cold." Such non-physical methods of inflicting cruelty have not found recognition in laws relating to marriage, divorce or cruelty. These are considered a significant cruelty and an insult to the dignity of being a woman. It is these perceptions of cruelty that make women commence on a quest for legal sanction, however futile it may appear to be. Secondly, cruelty of means is not limited only to certain methods of inflicting cruelty now punishable by law. What moral and punishment is applicable to boil the concreatedudhwale pyaale Saamoocho paanpaay bholi bholi? When someone had merely sprinkled caramel over peanuts, there was great delight and hastened death. In this vein it has been said that aerial torture is worse. The woman is not held to be entitled to any punishment under law as it stands. Though this does not come under the purview of the present study, the grouse of many women is that if the law were to take notice of non-physical infliction of cruelty, almost in every marriage number of cases would have been registered.

19. Comparative Analysis with Other Countries

The misuse of the laws was found in many different countries but varied in different ways. In some countries, only specific allegations of cruelty found use and other allegations received recognition and did not receive misuse (Krishnan & Subramaniam, 2017). In certain other countries, the alternative law systems had a broader understanding of cruelty, but only specific allegations of cruelty found further application and misuse. For instance, in several US jurisdictions aside from allegations pertaining to a

failure to provide support, a large number of other allegations of cruelty grounded in the domestic violence statutes also received a similar and wider form of understanding (Senthil et al., 2023). Similarly, in other countries like the United Kingdom and Australia, the definition of cruelty was wider than India. These cases mostly dealt with claims of cruelty with respect to physical abuse, but only specific allegations of cruelty relating to physical abuse were widely found.

20. Global Standards in Family Law

Despite judicial endeavors to mitigate harsh effects of parts of personal laws on women, there continues to be intense criticism against some recent judgments in which opportunity for further misuse directly or indirectly has been created. Striking down the section pertaining to filing of 'zero FIR', as enacted by the Criminal Amendment Act, on grounds of being violative of constitution, has rekindled fears of possible inaction by police in times of immediate emergencies and manipulation of the law to deny justice to women in distress at the point of need. Misuse of protection orders granted under protection of women from domestic violence Act, 2005 has been seen to lead to abuse of the provision permitting ex-parte orders in noncompliance with procedural safeguards (Krishnan & Subramaniam, 2017). There have been myriad grounds for seeking divorce that deserve judicial clarity for obviating anticipation of needless hardship for both spouses and intervening in family disputes between spouses, the deepest duty a private individual or public authority owes to society. Similarly, granting custody to maternal grandparents in preference over father's in the proceedings by merely reiterating that custody of a girl child should be with mother or maternal grandmother is too large a digression from the statutory test and led to upheaval in the father-child relationship (Senthil et al., 2023). Though such precedents emerged before pronouncements of Supreme Court in regard to exercise of suo-motu power that may perplex an individual as to the law in force in a jurisdiction or there be conflicting decisions, their public acceptance has come under severe strained scrutiny once the apex court has misused its extraordinary power and few of the nations inquisitor into preservation of the judicial spirit in a common accepted sense. A litigant before a court of law invokes one of its territorial juristic acts granted by law with faith in impartiality could sporadically knit a nether solitary ascriptions of ill-controls on plethora of jurisprudential discretion. Modern-day judicial concerns by instance specific no sum scrutiny of Canon forbidding double impose by courts attempting to reopen judgments. As potential repercussions of findings request to quash the interim relief might seem warranted.

21. Recommendations for Reform

The existing family laws should be kept totally intact. However, there should be a more stringent and stricter legislative control over the way these laws are being interpreted and applied by the concerned courts. It should be made obligatory for the respective courts to provide a detail of the circumstances and reasons which lead to arriving at the conclusion that a matrimonial cruelty or cruelty in marriage has taken place. It should be made compulsory for the respective courts to scrutinize affidavits filed by both parties in a sensitive manner displaying a greater aptitude in interpreting ambiguities. The courts should make involved parties in an adversarial position aware of the equal applicability of alternative dispute resolution and mediation mechanisms in family disputes. Courts should be cautions not to lose sight of the greater interest of parties in family laws, i.e., a worthwhile and respectable healthy relationship based on mutual love and trust. The law should be made clearer stating that no other family member or relative

can be charged under these laws unless there is strict medical, corroborative, or documentary evidence of such involvement (Nigam, 2005).

Family law itself should be re-drafted with a categorical definition of each and every expression elaborating the judicial interpretations. The expression ‘cruelty’ in the Indian Penal Code should be specifically defined and strictly limited to only those acts of cruelty which amount to an abominable criminal act altogether alien to any conceivable family system. In the interpretation of the expression ‘cruelty’ and in bringing it within the fold of family laws, the judicial usage has exceeded its intended limits. Courts should be cautious about preserving the sanctity of the institution of marriage, which is of utmost theoretical importance for a country like India. Evidence which has a firm nexus to the era prior to the lodging of complaint cases should never be instrumental for convicting accused persons or passing agency orders (Krishnan & Subramaniam, 2017).

Culture, for a person, includes traditions, habits, attitudes, language, food, offend, way of life, faith, etc. Religion consists of beliefs and a set of prescribed ethical rules to follow for attaining mental peace and salvation. Culture and religion shape the perception of countries, nations, societies, institutions, and people in regard to every aspect and facette of life and affect the dialogue within family laws and their interpretation. Religious values, traditions, and practices must be perennially amended in accord with changing times, necessities, and aspirations to safeguard the basic rights to justice, equality, and dignity, particularly of women. Some common family relations’ restricts should be purposely ignored for extensive gender justice, some specific aberrances should be mischievously avoided for upholding fairness and equal protection, and uniform and comprehensive laws should be required for building a gender-equal society.

22. Future Research Directions

As family laws govern every aspect of a family’s life, they are also likely to be misused in myriad ways. Although there are some statutory protections available to guard against such misuse, understanding the nature of the misuse is a pre-requisite for formulating effective safeguards. Thus, in this regard, abuse of Section 498-a and its consequences is briefly discussed as a case study to help understand the misuse of family laws and some regulatory safeguards provided by the statues. Section 498-a provides remedies against marital cruelty. Although this provision facilitated protection of many women and helped bring to book a number of criminals who had hitherto escaped the law, it also became an instrument of harassment, especially in deep rooted, long standing families owing to its vigorous enforcement (Nigam, 2005).

Against this backdrop of misuse, the first significant attempt in this direction was in Jatan Dutta’s case, in which the judgement by Justices R M Lodha and P Sathasivam stressed the paramount need for careful examination and judicious approach by police and magistrates upon the fire-crackers known as FIRs filed under Section 498-a and other provisions. It was also suggested that the police and prosecuting agencies should be given specialised training on the socio-legal aspects involved in such cases. As a significant follow up in this direction, Baliram Keshav Khairnar’s case is needed to be cited in which Justices R C Lahoti and B N Srikrishna cautioned against great misuse of Section 498-a that resulted in social havoc and harm. It was directed that police should refrain from initially arresting the husband and other kin at the cost of a wife’s marital destiny and at least the first member of the family should have the protection against arrest during investigation. The transfers of investigation [of Section

498-a FIRs] from one police station to another in the same district or in the neighbouring district are prohibited. Other details of the guidelines provided in this case are also noteworthy.

However, even after the above court and police observations, FIRs kept flooding the police stations. Many instances of brute police-raj have again come to surface. In some significant cases passed in violent fashion by the apex court in 2003-04, w1950 headed by Justices H K Sema and A R Lakshman concluded that in the current scenario of misuse of Section 498-a continued persistence on the part of a wife to keep the man of her choice under some terror, malice, grievance, revenge, enmity vis-a-vis unwarranted accusations fabricated to serve a sordid purpose are some wiped out considerations and necessary grounds for quashing a case FIR in its policy laid down in Sushil Kumar Sharma v. Sri Prithvi Raj; and Sheela Barse v. State of Maharashtra. Formation of a higher forum within a police headquarters to hear the disputes or grievance of accused persons [a husband and kin] at a prima-facia level stage itself was another remedy to be framed after consulting various state governments, if necessary.

23. Longitudinal Studies on Family Dynamics

Approaching Legal Systems Family Law provides remedy against various family grievances, relationship breakdowns, and disputes. There are various provisions in the law which protect the parties from any extreme or abusive behavior. However, at times one party misuses the provisions by dragging the other party into unnecessary litigation. Not only does this misuse affect the other party, but it also harms the judicial system as a whole. It creates a burden on the lawyers, litigants, law makers, and courts which results in a delay in justice. The Indian Family system is cumulative in good and bad. It has to be looked at in a wider social context. A sensitive issue related to the family i.e. Divorce is treated as Anti-Social, Anti-Culture, and Anti-Religious with respect to the wealthier and higher groups. Keeping aside the other groups, the well off are facing the problems of divorce in urban centers i.e. major cities in India. The social context creates misunderstanding resulting in the surfacing of marital discord and suspicion. The economic, social, and cultural factors affect the sensitivities of the family. Ignorant about the social context, inexperienced and pre-occupied lower courts presumed these matters of divorce a family torture. Today, in our political system, women are projected as a sensitive category. In the Family Laws enacted in the youth of the country, efforts are made to bring reservation for women with regard to age of marriage and proportionate share in property of parents, etc. Alimony and Maintenance Acts were enacted to grant financial security to women on divorce or separation, but time has come to consider the lapse and misapplication of these Acts for the benefit of the executive and judicial bureaucracies instead of the intended beneficiaries. Maya is facing such complex situations. She is a 32-year-old woman married at the age of 25. She has been living alone for the past 4 years and facing the intricacies of law and order, and family matters on one hand and her job on the other (Nigam, 2005). Soon after her marriage, Maya started living with her husband and mother-in-law. The family along with her brother-in-law and his wife was joint. The arrangement at first was cordial and her husband-in-law was very caring and preparing her for his exam. She started working at the age of 27. With the start of her service, she was made an issue. Money became the matter of discord. Maya joined a job against the wish of the family. She was tortured mentally and physically. She was aware of the fact that she would not be able to continue with her marital life, and litigation is a hard process for which one can't be geared up ahead. Maya, with the support of her family and friends, left her marital home in June 2000. She filed a petition under 125 of Criminal Procedure Code on the non-fulfillment of maintenance. Her husband filed an

application under Dormant and hated Dowry act 498A in addition to this petition. She has also been facing dowry harassment and domestic violence (Krishnan & Subramaniam, 2017).

24. Conclusion

Widespread misconceptions about the law's abuse are reinforced by studies conducted within limited geographical and educational contexts. These studies draw little attention to women's circumstances before and after the allegations were made; social contexts; formation of a social/legal identity; or related constraints within the justice delivery system. Litigation often exploits fault lines within the law, and any attempt to reform the law must take into account the larger social context where women mobilize laws for their safety, dignity, and integrity. A broader analysis of punitive justice is warranted in light of these considerations. Laws must be interpreted, understood, and reformed through a feminist lens, mindful of contradictions, dilemmas, and split desires. The family law needs to balance rights and duties so that there are no

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