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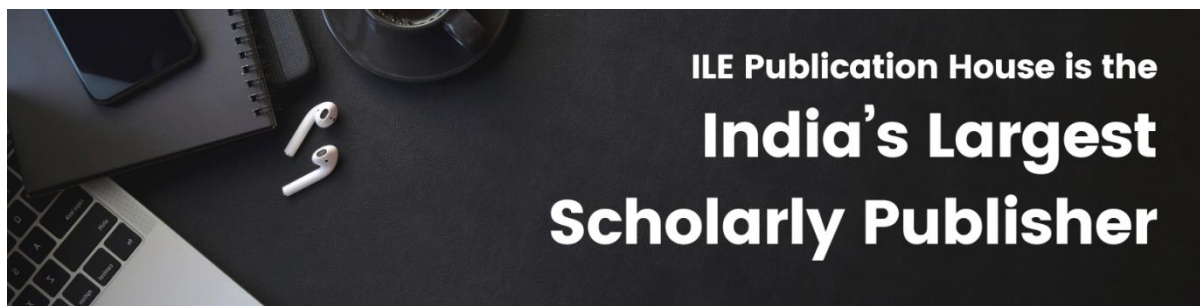
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MISUSE OF SECTION 498A OF THE INDIAN PENAL CODE. AN ANALYSIS OF ITS IMPACT ON MEN'S RIGHTS AND THE NEED FOR JUDICIAL REFORMS

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Abstract

The need for Section 498A of the Indian Penal Code (IPC), which was constituted in 1983, arose due to abuse against married women by their husbands and in-laws. There have been allegations of misuse since the very beginning. It is argued that Section 498A, being cognizable and non-bailable, is misused by some women in an act of revenge or coercion.

This study attempts to show the extent and manner of such misuse, its impact upon men's rights and families, and to evaluate the effectiveness of the safeguards provided by law. In light of case laws, statistics, and scholarly opinions, the study argues for the necessity of reforming the law in such a way as to protect genuine victims from the law's misuse. The paper concludes with discussions on the recommendations and policies to restore justice and sanctity in matrimonial disputes in India.

Keywords: Section 498A, IPC, men's rights, judicial reforms, false cases, gender justice, matrimonial disputes

1.Introduction

At the outset, the rationale of Section 498A of the Indian Penal Code should be viewed as benevolent and extremely urgent, aimed at tackling the issue of domestic violence and, to a great extent, dowry harassment inflicted upon womanhood within marriage. Enacted in 1983, this provision emerged amidst increasing incidence of cruelty against married women, such as dowry deaths, bride burnings, and various forms of mental and physical torture. Herein, Section 498A forbids cruelty inflicted by the husband or relatives with a solid purpose of protecting women in their matrimonial home. It was certainly a valuable step towards India's commitment to gender justice and women's rights.

To begin with, it was thought of as a long-awaited, much-needed measure to empower

women against a system that has remained patriarchal through history. Its stringent provisions, making it cognizable, non-bailable, and non-compoundable, were indeed seen as justified to facilitate effective and prompt legal recourse by the victims, fearing intimidation and undue delay. If given a spirit of accountability among the family members, tighter repercussions were intended to be integrated into the laws as deterrence for any future abuser.

Though the subsequent decades have seen quite a few controversies around Section 498A's implementation, these many years of being a possible remedy, more and more women were either victimized under the statute or claims were raised that Section 498A was misused. They argue that because of the arbitrary definition of "cruelty" and lack of built-in safeguards against its misuse, it exposes the



law to trivialization. Some allegation reports claim that a section of complainants take advantage of the statute not only to settle personal scores, leverage during divorce proceedings, and incoherently victimize the husband along with his entire family, including elderly parents and minor siblings.

Hence, it has become emblematic in discussions concerning Section 498A and men's rights, with the broader implications of justice. Judicial proceedings on record have called out the need to reassess the application of Section 498A in light of many instances of legitimate claims not only resulting in unnecessary arrest but in protracted litigation as well as irrevocable damage in reputation. Far-reaching and deep-rooted social, psychological, and legal consequences of being framed with false allegations would affect not just the accused but the entire family.

Introduced that way, the rigidity of the law strips any possibility of reconciliation or alternative dispute resolution; every dispute consequently finds itself pushed into the adversarial world of criminal litigation. This further aggravates the burdens of an already overstressed judicial system in India and also shuts down peaceful settlements in those cases where reconciliation could actually work.

In conclusion, while Section 498A is one of the cornerstones of legal protection for real victims of domestic abuse, its abuse poses a challenge to the Indian notion of fair treatment, proportionality, and justice. This paper attempts to give an insight into both sides of existence of Section 498A-required and very potent.

2. Background and Legal Framework

2.1 Evolution of Section 498A IPC

Section 498A was introduced by the Criminal Law (Second Amendment) Act, 1983, in the wake of increasing dowry deaths and domestic cruelty. The section states:

"Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment

for a term which may extend to three years and shall also be liable to fine."

The word cruelty, however, would involve physical and mental cruelty, that is, harassing the wife either with regard to dowry or any other demand.

2.2 Legal Characteristics

Section 498A of the Indian Penal Code has various characteristic legal features that differentiate it from a number of other criminal provisions. The characteristics were designed so as to ensure swift and effective justice for the victims of domestic abuse, but under the same token, the same characteristics imbue the possibility of misuse and arbitrary application.

In the first place, the cognizable nature of the offence under Section 498A permits the police to register a case and arrest the person accused without obtaining prior permission from a magistrate. This provision grants utmost protection to the complainant in a case where there might be genuine apprehension of threat to life or physical well-being. However, the other side believes that arresting a person without prior investigation can fuel abuse of the law and harassment to the accused and their family.

Secondly, Section 498A is non-bailable, meaning that the accused is not entitled, as a matter of course, to bail. Such discretion remains with the court. This further tightens the stranglehold of Section 498A and tries to evince the seriousness of domestic violence cases. The effect, however, is extended incarceration and social ostracization of the accused, even before the trial properly initiates.

Thirdly, the offence under Section 498A is non-compoundable. This means that the parties concerned cannot amicably settle issues out of court or withdraw the case mutually. Such provisions disallow coerced settlements or forcing a victim to withdraw charges. Whereas, in genuine attempts at reconciliation, an inability to compound the offence creates unnecessary litigation and emotional trauma for all parties concerned.



These legal characteristics, framed with the protection of victims in mind, now urge a closer scrutiny so that justice is not only done but also seen to be done in a fair and balanced way.

3. Issue of Misuse of Section 498A

While Section 498A was enacted to protect women from cruelty and domestic violence, over the years, an ever-growing concern has arisen regarding the accusation of misuse of this law. The courts, legal professionals, and social commentators have all observed an increased pattern where this Act has been invoked in issues that barely sustain the standard of being termed as grievances, but rather serve the purpose of harassing, wreaking revenge, or aiding in marital dispute bargaining in matters such as divorce and child custody.

One of the greatest concerns arising out of this widespread misuse of Section 498A is that it allows such liberty of application. In several instances, the husband and his entire family, including ageing parents, unmarried sisters, and possibly even distant relatives, are implicated in the complaint. Such vague accusations are, generally, not supported by any evidence other than the hearsay of the complainant. Hence, a lot of innocent suspects are ever arrested, disbelieved by society, and bogged down by the lengthy litigation that continues with insufficient recourse in law.

This trend of abuse has been acknowledged by the Supreme Court of India in several historic judgments. In *Sushil Kumar Sharma v. Union of India* (2005), the Court observed: "Legally speaking, Section 498A may be a useful tool in the hands of the victims, but it is increasingly used as a weapon by disgruntled wives." In *Arnesh Kumar v. State of Bihar* (2014), the Supreme Court propounded measures to contain arbitrary arrest under this section and stated arrest cannot be made without a preliminary inquiry.

In support of these remarks, statistics tell a dismal story. The statistics compiled by the National Crime Records Bureau (NCRB) state

that a huge percentage of cases filed under the charge of Section 498A are either acquitted or simply discharged due to lack of evidence. The 2021 NCRB report reveals that more than 80% of the cases for dowry harassment did not lead to conviction. This possibly implies either that the allegations were false or that enough evidence was simply not placed before the courts, lending credence to the argument for the misuse of the law.

The psychological burden this puts on the wrongfully accused and their families is enormous. Stigmatization, reputational damage, and emotional stress can result in huge long-term consequences such as mental health issues or destruction of family relations. Therefore, while the law has the best of intentions, the aberrant application thereof requires an urgent re-examination to save it from becoming a weapon and to ensure that it delivers justice to those very much wronged.

4 Case Studies

4.1 Case 1: Preeti Gupta v. State of Jharkhand (2010)

The Supreme Court, while disposing of a very large number of complaints, remarked:

- "Serious relook of the entire provision is warranted to legislature."

4.2 Case 2: Rajesh Sharma & Ors. V. State of U.P. (2017)

The Court gave guidelines for misuse prevention, which included:

- Setting up of Family Welfare Committees to check that the allegations are genuine before the arrest.
- Exemption from personal appearance in certain circumstances. These guidelines were later diluted in *Social Action Forum for Manav Adhikar v. Union of India* (2018), which prioritized victim protection.

5. Arguments Against Reform

Women's rights groups argue that:



- Rampant Actual Dowry Harassment: The fact that the law is diluted could allow actual victims to suffer more harm.
- Low Conviction is Not Misuse: Low convictions might be due to lack of evidence or witness tampering rather than necessarily a false charge.
- Patriarchal Bias Still There: The dispensation is largely skewed against women in many parts of India.

6. Need for Judicial and Legislative Reforms

6.1 Reclassification

Make Section 498A a bailable and compoundable offence with court oversight protecting interests of both parties.

6.2 Mandatory Preliminary Inquiry

A preliminary investigation should be mandated before registering an FIR as stated in Lalita Kumari v. Government of Uttar Pradesh (2013) for non-cognizable offences.

6.3 Safeguards Against False Complaint

- Prove that false complaints were chargeable under Section 211 IPC (false charge of offence).
- Make possible legal provisions for compensatory damages to falsely accused individuals.

6.4 Strengthening Alternative Dispute Resolution (ADR)

Promoting mediation and counseling centers to resolve marital disputes before escalating them legally.

7. Role of Civil Society and NGOs

Civil rights organizations such as Save Indian Family Foundation (SIFF) advocate for men's rights and offer legal aid, mental health support, and public awareness. These organizations play a critical role in counterweighting gender narratives and ensuring equitable treatment under law.

8. Comparative International Perspective

Countries such as the following:

UK: Domestic violence laws apply evenly between genders

Canada: In favor of counseling and community service instead of custodial punishment for first-time offenders

USA: Has stringent laws on false accusations like defamation, perjury, and malicious prosecution.

These examples can be good points for reference to help India achieve some better gender balance in its criminal justice system.

9. Research Descriptions and Analysis

- Most of the cases under 498A do not lead to convictions and therefore suggest that the research has of late begun to show signs of misuse.
- Judicial bodies know and care but legislative inertia lingers.
- Mediation mechanisms, together with gender-neutral law enforcement, may provide more equitable resolution.
- Laws centered on the victim should not become tools of reverse discrimination.

Conclusion

Subsection 498A of the Indian Penal Code was enacted with the significant purpose of protecting women from pains and agonies due to cruelty and domestic abuse within the wedlock itself. This enactment was progressive in terms of gender justice and women's empowerment in India. However, over time, the growing concerns regarding its misuse have finally drawn attention to the unintended consequences of this legal provision. Several cases - i.e. those pertaining to false or exaggerated allegations have resulted in undeserved arrests, endless litigation, and suffering of many innocent human beings especially men and their families.

Courts have played a crucial role in the recognition and redressal of this problem. Landmark judgments now put all the requisite caution, fairness, and balanced approach behind the application of Section 498A. The data from crime records further add a voice to



reform in that allotting a high number of acquitted and failed convict cases concerning 498A demonstrates this. While these statics do not diminish the experience of a real victim, they throw a great need on differentiating between authentic and mala fide cases.

There is an immediate need for judicial reforms that will safeguard the essential protection offered through Section 498A while incorporating controls to prevent misuse of the section. Some of these recommendations include making the offense bailable under certain conditions, an introduction of mandatory mediation to take place before FIR registration, or punishment against false reporting. The law should aim at a system where all receive justice: one that protects the vulnerable from the law without allowing for vengeance and manipulations within it.

In sum, the issue of the misuse of Section 498A is not retaliation of any kind against women, but is reaffirming the fundamental principles of justice, equality, and due process for every citizen.

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