

**LEGAL TERRORISM IN MARITAL DISPUTES: WEAPONIZATION OF SECTION 498A
INDIAN PENAL CODE**

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VOLUME 1, ISSUE 1 (JANUARY- JUNE 2025)

ABSTRACT

Husband cruelty under section 498A of the IPC (now Section 85 of the BNSS) was enacted to protect married women from cruelty and dowry harassment. However, it has been misused by women a lot, which has resulted in wrongful arrests, social stigma, and mental agony for husbands and their families. There have been several cases in which Supreme Court has acknowledged the rampant misuse of Section 498A, referring to it as a form of legal terrorism. False accusations have not only led to prolonged legal battles but have also driven many men to suicide due to social and psychological pressures. This chapter critically analyses the weaponization of Section 498A and its adverse impact on men and their families. It highlights real-life incidents where men, unable to bear the trauma of false accusations, took their own lives, including the case of Atul Subhash. Cases like these underscore the urgent need for procedural reforms to prevent misuse of the law. The chapter also advocates for making the offence compoundable with judicial oversight, promoting reconciliation, and ensuring that trivial disputes do not escalate into prolonged criminal proceedings. It emphasizes that preventing misuse does not dilute the law's purpose but rather ensures fair and balanced justice. Ultimately, it calls for legislative reforms to prevent Section 498A from becoming an instrument of legal terrorism while safeguarding the rights of both parties.

Keyword: Husband cruelty, legal terrorism, Compoundable offence, Misuse of section 498A, Judicial Oversight and Reforms

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INTRODUCTION

*“By misuse of the provision, a new legal terrorism can be unleashed.”*³ warned the Supreme Court in 2005, emphasizing the potential danger posed by the unchecked misuse of Section 498A. Section 498A of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”), now codified as Section 85 read with Section 86 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS”), criminalizes acts of cruelty against women perpetrated by their husbands or the relatives of their husbands. The provision prescribes a punishment of imprisonment for a term which may extend to three years and also imposes a liability to pay a fine. The origin of the provision can be traced back to the recommendations made by the Law Commission, which highlighted the growing instances of dowry-related harassment and domestic violence against married women. In response to these recommendations, the Government introduced the Criminal Law (Second Amendment) Act, 1983,⁴. The object of the Amendment was to provide legal recourse for married women subjected to cruelty within their matrimonial homes and to combat the menace of dowry deaths. The said amendment led to the incorporation of Section 498A in the IPC, thereby criminalizing any willful conduct by the husband or his relatives that was likely to drive a woman to commit suicide or cause her grave physical or mental harm. The provision came into effect on December 25, 1983, and was intended to serve as a deterrent against acts of domestic violence and dowry-related cruelty. The enactment was necessitated due to the alarming surge in reported cases of dowry deaths and domestic violence, which underscored the vulnerability of women within matrimonial relationships.

However, in the subsequent decades, the practical application of the provision has been involved in controversy, with regard to allegations of its misuse. While the provision was envisioned to protect women from cruelty and harassment, it has increasingly been perceived as a potential tool for the harassment of husbands and their families through the lodging of frivolous or false complaints. The adverse consequences of such misuse are starkly evident in instances where husbands, finding themselves entrapped in lengthy and arduous legal proceedings, have resorted to committing suicide. The law, instead of serving as a protective shield, has, in certain cases, transformed into a weapon that strangulates and entraps men in a manner where they perceive

³ *Sushil Kumar Sharma v. Union of India*, MANU/SC/0418/2005 (India).

⁴ *Criminal Law (Second Amendment) Act*, No. 46 of 1983, *India Code* (1983).

death as a more viable escape than enduring prolonged legal battles to prove their innocence. The disproportionate power bestowed by Section 498A, coupled with the uncritical approach of law enforcement authorities, has often rendered men defenseless, compelling them to succumb to extreme measures due to the social stigma and mental anguish inflicted by false allegations. Numerous judicial pronouncements by the Supreme Court and various High Courts have acknowledged the misuse of Section 498A, emphasizing the necessity for judicial prudence and procedural safeguards to prevent undue hardship to the accused.

LEGISLATIVE INTENT AND SCOPE OF SECTION 498A

Section 498A of the Indian Penal Code was specifically enacted to safeguard women from cruelty perpetrated by their husbands or the relatives of their husbands. The legislative intent behind this provision was to provide a robust legal framework to combat domestic violence and dowry-related abuse, both of which have been pervasive in Indian society. The scope of Section 498A extends beyond physical violence and includes emotional, psychological, and financial abuse, recognizing the multifaceted nature of cruelty faced by married women. However, despite its protective intent, the provision has often been criticized for being misused, with allegations that it is employed as a tool for harassment through the lodging of false complaints. Critics argue that such misuse diminishes the law's credibility; however, these claims often overlook the grim reality that domestic violence and dowry-related abuse continue to persist at alarming levels in India, as reflected in the National Crime Records Bureau data.

The provision has evolved through various cases and precedents, such as in *Shobha Rani v. Madhukar Reddi*⁵, where the Court reaffirmed that the demand for dowry itself constitutes cruelty, thereby underlining the significance of stringent legal measures to combat such practices. The court in *Samar Ghosh v. Jaya Ghosh*⁶ provided a broader interpretation of mental cruelty, recognizing that emotional neglect, humiliation, and lack of support within a matrimonial relationship could also amount to cruelty. This judgment reinforced the need to protect women from not only physical harm, but also mental agony inflicted within the household. Moreover, in *K. Srinivas Rao v. D.A. Deepa*,⁷ the Court acknowledged that filing false criminal complaints could itself amount to mental cruelty, which has often been

⁵ *Shobha Rani v. Madhukar Reddi*, MANU/SC/0419/1987 (India).

⁶ *Samar Ghosh v. Jaya Ghosh*, MANU/SC/1386/2007 (India).

⁷ *K. Srinivas Rao v. D.A. Deepa*, MANU/SC/0180/2013 (India).

highlighted in debates concerning the alleged misuse of Section 498A. While these judicial pronouncements have attempted to balance the protection of women with the prevention of misuse, they collectively reaffirm the continuing necessity of Section 498A in addressing domestic violence and dowry harassment. The critical need for Section 498A becomes even more evident when examined in light of real-life cases of cruelty. In *Ram Kishan Jain & Ors v. State of Madhya Pradesh*⁸ a woman was given sedatives and later tried to end her life by slitting her veins because she couldn't meet the dowry demands of her husband's family. Similarly, in *Surajmal Banthia & Anr. v. State of West Bengal*⁹ the deceased woman was subjected to prolonged ill-treatment, deprived of food, and mentally harassed to the extent that it culminated in her death. Such cases depict the harsh reality of matrimonial cruelty and substantiate the critical need for a stringent provision like Section 498A to deter and penalize such acts.

LEGAL TERRORISM AND ITS IMPACT

Justice Dr. Arijit Pasayat and Justice H.K. Sema, used the term legal terrorism in the case to show the gravity the misuse will have if not regulated¹⁰ Further in 2008 the Court in *Chandrabhan v. State*¹¹ stated that the complaints under the provisions are filed under very trivial matters and the ultimate victim of which are husbands and their relatives, “*there is no iota of doubt that most of the complaints are filed in the heat of the moment over trifling fights and ego clashes.*” Over the past decades, there have been numerous cases where false complaints have been filed, leading to severe consequences for men and their families. News reports and court judgments have highlighted instances where husbands, unable to bear the pressure of false allegations, have taken extreme steps, including ending their own lives. This misuse has not only caused mental and financial distress to the accused but has also strained family relationships, leaving long-lasting scars.

One such recent incident is that of Atul Subhash, a 34-year-old techie from Bengaluru, who died by suicide on December 9, 2024. In a viral video recorded before his death, he alleged that his wife and her family had filed multiple false cases against him, causing immense mental distress

⁸ *Ram Kishan Jain v. State of Madhya Pradesh*, MANU/MP/0200/2000 (India).

⁹ *Surajmal Banthia v. State of West Bengal*, MANU/WB/0050/2003 (India).

¹⁰ *Supra* note 2.

¹¹ *Chandrabhan v. State*, Bail Application No. 1627/2008, order dated Aug. 4, 2008 (India).

and harassment, which he further detailed in his suicide note¹² This case is not an isolated one; 498a.org, as part of its awareness campaign, has documented over 100 similar stories where innocent men and their families have faced immense suffering due to the misuse of Section 498A¹³ These instances reveal how easily a wife's allegations, whether true or false, can completely shatter the lives of her husband and his family, leaving them vulnerable to legal persecution and social stigma.

Vizag Chapter Founder B.K. Agarwal said that¹⁴ as per the National Crime Records Bureau data, in year 2019 about 1.18 lakh people committed suicide across the country. Of which almost 75%, over 80,000 people who ended lives were men, while 34,000 (about 25%) were women. He said that 37% of men ended have lives because of matrimonial disputes. Similarly, during the year 2021, about 1.2 lakh men had ended lives across the country. Out of them, around 33% men took the extreme step owing to family disputes and legal pressures.

Recent data resealed by NCRB show that total of 4,45,256 cases of crime against women was registered during 2022, Of which majority of cases under crime against women under IPC were registered under '*Cruelty by Husband or His Relatives*' (31.4%). Total of 140019 cases for Cruelty by Husband or his relatives were registered out of which 7076 case were falsely reported and 8093 were mistake of facts or were of civil dispute (page 231 table 3A.5 of NCRB data). Further the data shoes that only 8307 cases led to conviction, in 35998 cases the accused was acquitted, and 2691 cases were discharged by the court. (page 244 Table 3A.7 of NCRB data).¹⁵ The disproportionately low conviction rate further solidifies the argument that this provision has become a tool of harassment rather than protection in many instances. This data- driven reality underscores the urgent need for judicial reforms and procedural safeguards to prevent Section 498A from becoming a source of legal terrorism.

JUDICIAL CONDEMNATION OF LEGAL TERRORISM

The apprehension regarding the misuse of Section 498A IPC is not novel and has been raised by

¹² Bengaluru Techie's Suicide Case Spurs Supreme Court to Outline Alimony Guidelines: Here's What It Said, *Econ. Times*, <https://economictimes.indiatimes.com/news/india/bengaluru-techies-suicide-case-spurs-supreme-court-to-outline-alimony-guidelines-heres-what-it-said/articleshow/116233001.cms> (accessed Sept. 23, 2025).

¹³ Victim Stories, 498A.org, <https://www.498a.org/victimStories.htm#v1> (accessed Sept. 23, 2025).

¹⁴ Men Outnumber Women in Suicides in the Country, Say Members of Save Family Harmony, *The Hindu*, <https://www.thehindu.com/news/cities/Visakhapatnam/men-outnumber-women-in-suicides-in-the-country-say-members-of-save-family-harmony/article65874890.ece> (accessed Sept. 23, 2025).

¹⁵ *Crime in India: NCRB Report 2020*, Nat'l Crime Records Bureau, <https://www.ncrb.gov.in/crime-in-india.html> (accessed Sept. 23, 2025).

the Supreme Court in several landmark judgments. In the case of *Preeti Gupta v. State of Jharkhand*,¹⁶ the Supreme Court expressed deep concern over the rampant misuse of Section 498A IPC, observing that “*exaggerated versions of the incidents are reflected in a large number of complaints,*” resulting in the implication of not only husbands but also their entire families, including distant relatives. Recognizing the disproportionate use of criminal law in matrimonial disputes, the Court explicitly recommended a legislative relook at Section 498A IPC, citing that its unregulated application was causing serious social ramifications and immense harassment to innocent individuals. In its directive, the Court also instructed the Registry to forward a copy of the judgment to the Law Commission and the Union Law Secretary, emphasizing the need for statutory amendments to curb misuse.

Additionally, the Court recognized the importance of pre-trial conciliation in matrimonial disputes and directed the Delhi Legal Services Authority, the National Commission for Women, NGOs, and social workers to establish conciliation desks at Crime Against Women Cells. The Court reiterated that criminal law should not be mechanically triggered without first attempting to resolve the underlying marital discord amicably. This judicial emphasis on conciliation and settlement marked a significant departure from the conventional approach of prompt arrests and prosecutions in Section 498A cases. In a similar vein, the Delhi High Court in *Court on its Own Motion v. CBI*¹⁷ issued comprehensive guidelines to the police and trial courts regarding arrest, bail, and conciliation procedures in Section 498A cases. The High Court instructed that arrests should not be made in a mechanical manner and that the police must adopt a cautious approach when dealing with matrimonial disputes. The judgment also stressed that in the absence of clear and convincing evidence, bail should be granted liberally to prevent unnecessary incarceration of innocent persons.

The Justice Malimath Committee on Reforms of Criminal Justice System,¹⁸ constituted to suggest comprehensive reforms in the criminal justice system, extensively deliberated upon the misuse of Section 498A IPC. The Committee stated:

¹⁶ *Preeti Gupta v. State of Jharkhand*, MANU/SC/0592/2010 (India).

¹⁷ *Court on Its Own Motion v. CBI*, 109 DLT 494 (Del. 2003).

¹⁸ *Report of the Committee on Reforms of Criminal Justice System*, Ministry of Home Affairs, Govt. of India, https://www.mha.gov.in/sites/default/files/criminal_justice_system.pdf (accessed Mar. 9, 2025).

“The harsh law, far from helping the genuine victimized women, has become a source of blackmail and harassment of husbands and their families. There is an urgent need to revisit this provision to prevent its gross misuse.”

Supreme Court has, in a series of recent judgments, also expressed grave concerns over the misuse of Section 498A of IPC, highlighting its propensity to be weaponized in matrimonial disputes. In *Yashodeep Bisanrao Vadode v. State of Maharashtra*¹⁹ the Supreme Court overturned the conviction of a brother-in-law accused under Sections 498A and 34 IPC, noting the absence of any substantive evidence linking him to the alleged acts of cruelty and dowry demands. Recognizing the lack of a direct nexus between the appellant and the allegations, the Court strongly condemned the indiscriminate roping in of family members in matrimonial disputes and reiterated that courts must adopt a cautious approach to avoid inflicting unwarranted legal consequences on innocent individuals. Further in *Payal Sharma v. State of Punjab*²⁰ where the Supreme Court admonished the High Court for failing to exercise its inherent power to prevent over-implication of distant relatives in Section 498A cases. The Court clarified that while Section 498A does not explicitly define the term ‘relative’, its interpretation should adhere to common-sense reasoning, typically restricting its scope to immediate family members. Extending the ambit of Section 498A to distant or uninvolved family members, the Court warned, could dilute the provision’s core objective and lead to the victimization of innocent individuals under the pretext of protecting the aggrieved spouse.

In a broader and more assertive commentary, the Supreme Court, in *Achin Gupta v. State of Haryana*,²¹ directly called upon the Legislature to reconsider the scope of Section 498A IPC and its corresponding provisions under the BNS, namely Sections 85 and 86, in light of their extensive misuse. The Court highlighted the mechanical registration of FIRs in matrimonial disputes, often initiated to harass the accused husband and his family under the guise of cruelty allegations. It reiterated that trivial matrimonial discord or day-to-day quarrels cannot be classified as cruelty under Section 498A, and the High Courts, under Section 528 BNSS, must exercise their inherent powers to quash such frivolous proceedings when evident misuse is apparent. Further Supreme Court had similar view in *Digambar and Ors. v. The State of*

¹⁹ *Yashodeep Bisanrao Vadode v. State of Maharashtra*, MANU/SC/1128/2024 (India).

²⁰ *Payal Sharma v. State of Punjab*, MANU/SC/1250/2024 (India).

²¹ *Achin Gupta v. State of Haryana*, MANU/SC/0377/2024 (India).

*Maharashtra and Ors*²² where the complainant had alleged that her in-laws administered adulterated food, leading to her miscarriage. However, the Court noted that the complaint was lodged two years after the alleged incident, without any supporting medical or documentary evidence. The Court observed that criminal law should not be trivialized as a bargaining tool in matrimonial disputes, as doing so not only compromises the liberty of innocent individuals but also undermines the sanctity of genuine cases of domestic violence.

PREVENTING MISUSE WITHOUT WEAKENING PROTECTION

There can be some argue that this provision is often exploited for personal vengeance, others contend that such claims are exaggerated and could lead to reforms that weaken protection for genuine victims. The core issue, however, does not lie in the law itself but in its implementation, which is often flawed due to weaknesses in enforcement, legal procedures, and societal norms. Therefore, the need for procedural reforms, rather than dilution of the law, is crucial to strike a balance between protecting the accused and ensuring justice for victims.

The role of law enforcement and investigating agencies is also a major contributing factor to the misuse of Section 498A. Police officers, being the first point of contact in such cases, often arrest the accused solely based on the content of the FIR without conducting a preliminary investigation to ascertain the legitimacy of the complaint. This practice is mainly driven by the fear of being accused of negligence, external pressures, or sometimes even corruption. Failure to verify the authenticity of allegations has resulted in wrongful arrests, which further fuels the perception of Section 498A being a tool for harassment rather than protection. It is imperative that police officers conduct a preliminary inquiry before making any arrests to ensure that only genuine cases are acted upon. This would not only safeguard innocent individuals from wrongful prosecution but also strengthen the credibility of the law. The provision allows for immediate arrest without the need for any preliminary investigation, which often leads to wrongful detentions and prolonged legal battles for the accused. At the same time, genuine victims often find it difficult to navigate the legal process due to bias within law enforcement and the judiciary. Introducing mandatory preliminary investigations before arrest, as emphasized by the Supreme Court, could effectively balance the interests of both parties.

²² *Digambar v. State of Maharashtra*, MANU/SC/1402/2024 (India).

The Law commission of India in their 243rd Report²³ also talked about the “*Triple Problem*” that have cropped up in the course of implementation of the provision i.e. section 498A and those are

- a) The police hastily effectuating the arrest of the husband and his family members, as cited in the FIR, without conducting any prima facie inquiry to ascertain the veracity of the allegations,
- b) The prevalent inclination to indiscriminately implicate in-laws and extended family members, irrespective of their place of residence, often influenced by sentiments of hostility, vengeance, or erroneous legal counsel, and
- c) The deficiency of a professional, compassionate, and judicious approach on the part of the police in addressing the grievances of women in distress.

NEED FOR COMPOUNDING OF OFFENCE

In certain offences, the law permits the parties involved to reach a mutual settlement during the pendency of the trial, leading to the discontinuation of further legal proceedings. This legal mechanism is known as “*compounding of offences*”, and the offences that qualify for such resolution are referred to as compoundable offences. This perspective has gained traction even among those who strongly support retaining its non-bailable and cognizable nature. The underlying rationale is that judicial supervision in allowing compounding would strike a balance between preventing misuse of the provision and protecting genuine victims of domestic violence. Certain states, such as Andhra Pradesh²⁴ have already amended their legal framework to make Section 498A compoundable.

The Supreme Court has also expressed similar views. In the case of *Ramgopal v. State of Madhya Pradesh*²⁵ the Apex Court recommended that offences under Section 498A IPC should be made compoundable. The Court recognized that in cases arising out of matrimonial discord, continuing criminal prosecution often results in unnecessary harassment and prolonged litigation, affecting both parties adversely. The Law Commission of India, in its 237th Report, unequivocally recommended that Section 498A IPC should be made compoundable with the

²³ *Law Comm'n of India*, 243rd Report on Section 498A of the Indian Penal Code (Aug. 2012), <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081023.pdf> (accessed Sept. 23, 2025).

²⁴ *Code of Criminal Procedure (Andhra Pradesh Amendment) Act*, No. 46 of 1987, Acts of Parliament (India).

²⁵ *Ramgopal v. State of Madhya Pradesh*, SLP (Crl.) No. 6494 of 2010 (India).

permission of the court. This stance was consistent with its earlier recommendation in the 154th Report, which also proposed making the offence compoundable. The Committee of Petitions (Rajya Sabha), in its report presented on 7th September 2011, under paragraph 13.2, titled “*Making the offence under Section 498A IPC compoundable*”, echoed similar views. The Committee, while recommending that the offence should continue to remain cognizable and non-bailable, strongly emphasized the need to check the misuse and hardship caused by the provision. The Committee further noted that failure to adopt measures to prevent such misuse may ultimately compel the legislature to dilute the law, which could be detrimental to genuine victims of domestic violence.

RE-ORIENTING THE APPLICATION OF THE PROVISION

In Conclusion, the misuse of the provision has been judicially recognized by the Supreme Court and various High Courts, as well as acknowledged by the Parliamentary Committee on Petitions. However, the absence of any empirical study establishing the extent of misuse cannot justify the abolition of the provision or diluting its intended purpose. False or exaggerated complaints, often driven by ulterior motives or emotional outbursts, must be effectively addressed to prevent the abuse of the legal process. The stigma of being falsely accused of cruelty, coupled with the threat of immediate arrest, drives many men to extreme distress, resulting in severe mental trauma, social alienation, and in some tragic cases, suicide. Reports have shown that several men, unable to bear the societal backlash and constant harassment, have taken their own lives after being implicated in false dowry or cruelty cases.