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# **CRUELTY AGAINST HUSBANDS** **AND INDIAN LAWS**

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## **ABSTRACT**

The concept of cruelty has evolved significantly amidst societal changes. In the era of women's empowerment, legislative efforts have focused on protecting women, traditionally perceived as the more vulnerable group in society. However, these protective measures have sometimes been misused, turning into a weapon used by women against their husbands and their relatives. Consequently, there has been a marked increase in cases of cruelty inflicted by wives against their husbands, posing a challenge to the principle of gender justice and sparking considerable debate.

Indian laws on cruelty typically assume husbands to be perpetrators of domestic violence, with women predominantly recognized as victims. This research sheds light on the various dimensions of cruelty and the legal remedies available to husbands facing such situations. It emphasizes the need to prevent the misuse of legal provisions by wives and to restore balance in gender justice.

Marriage is a complex interpersonal relationship guided by moral norms of mutual respect, trust, empathy, productivity, and emotional bonding, coupled with occasional disagreements. In Hindu marriage, spouses are considered to be legally unified. While minor disputes are common, not all disagreements amount to cruelty. Legal cruelty necessitates acts so severe that cohabitation becomes impossible, thereby constituting grounds for divorce or judicial separation. Such behaviors are classified as physical or mental cruelty.

In practice, however, Indian laws have often presumed husbands to be the primary perpetrators of domestic violence, while women have sometimes exploited legal loopholes to their advantage, misusing these laws as a tool.

**KEYWORDS:** Spousal Abuse, Marital Relationship Legislative Protections, Gender Bias, Cruelty

## INTRODUCTION

In the contemporary landscape, the evolution of societal norms has challenged the long-held presumption that only women are victims of cruelty. Marriage in Indian society has traditionally been regarded as a sacred bond between a man and a woman, conferring upon them the roles of husband and wife within a divine institution. With the progression of liberalization, modernization, and the empowerment of women, endeavors have been made to bestow privileges to women to strive for equality with men.

Given the historical predominance of a male-dominated society, it becomes imperative to address offenses occurring within marriages. Thus, the notion of cruelty has been introduced as a grave offense under both the Indian Penal Code, 1860, and The Protection of Women from Domestic Violence Act, 2005. However, it is disheartening to witness a regrettable trend where certain women misuse these legal provisions to unlawfully advance their selfish interests, leading to a surge in false accusations of cruelty.

While education and economic independence have been instrumental in empowering women, an unintended consequence has surfaced where some individuals misuse their newfound freedom to subject their husbands and families to harassment. It is crucial to discern that not all marital conflicts constitute cruelty; the legal classification of cruelty within marriage necessitates surpassing the normal challenges inherent to married life.

As endeavors persist towards recalibrating gender roles and fostering socioeconomic equity, profound shifts have emerged in the status of women within society. While these transformations aim to foster equality, they have concurrently given rise to the phenomenon of "cruelty towards husbands," underscoring the notion that every societal evolution brings forth its own intricacies and challenges.

## HISTORICAL BACKGROUND

The laws governing Indian society have historically shown a favorable inclination towards women. Article 14 of the Indian Constitution guarantees "equality before law and equal protection of law" to all citizens. However, it is evident that the legal landscape tends to favor women to a significant extent. Over time, the emphasis on granting opportunities for education and self-reliance has played a crucial role in reshaping the status and role of women in society. Legislative provisions such as Maintenance of Women under Section 125 of the Criminal Procedure Code,

Section 498A of the Indian Penal Code, the Protection of Women from Domestic Violence Act, 2005, and the Dowry Prohibition Act, 1961 have further bolstered these efforts. These protective measures have not only facilitated women's empowerment but have also dismantled obstacles that impeded their progress.

However, the misuse of these protective laws through trivial and false complaints with malicious intent has prompted introspection within the Indian judiciary. Recognizing this challenge, courts have delivered judgments aimed at addressing such misuse and reducing its impact.

In a society traditionally dominated by men, the concept of cruelty by wives towards husbands may seem unconventional and less acknowledged. Yet, evolving cultural perspectives in our society are shedding light on numerous instances where husbands face harassment and victimization by their wives.

Before the Hindu Marriage (Amendment) Act, 1976, "cruelty" was only grounds for judicial separation under Section 10 of the Hindu Marriage Act, 1955. This amendment expanded the grounds for divorce to include "cruelty," defined as behavior causing a reasonable apprehension of harm or injury that makes it untenable for the petitioner to continue living with the other party

## **WHAT IS CRUELTY?**

In essence, cruelty refers to the inhumane treatment or attitude exhibited by one spouse or their relatives towards the other spouse or their relatives. This mistreatment can manifest in both physical and mental forms. Physical cruelty involves acts that endanger the life, limb, health, or property of a person within the context of marital cohabitation. On the other hand, mental cruelty encompasses behavior that causes mental pain, agony, or suffering to such an extent that it disrupts the bond between husband and wife.

Cruelty can render it impossible for the victim to continue living with the offender under normal circumstances, whether through actions or omissions. A cruel person derives satisfaction from seeing others trapped in problems and distress, motivated by malicious intent to make their lives miserable. Any action aimed at tarnishing someone's societal reputation is considered cruel, characterized by immoral, inhuman, or draconian gestures.

Legally, cruelty plays a pivotal role, particularly in divorce proceedings, though its definition lacks a definitive sentence. Its interpretation varies significantly based on religious, familial, economic, and cultural backgrounds, as well as the education, physical and mental health, and lifestyle of the spouses. The concept of matrimonial cruelty is inherently subjective, encompassing a wide spectrum from minor to severe, active to passive, expressed through words, actions, or even silence.

Therefore, the crucial consideration in legal contexts is not merely physical or mental cruelty individually but rather the sustained and unnecessary mistreatment by one spouse towards the other, leading to irreparable damage to the marriage. This pivotal factor forms the basis for initiating legal action for divorce, requiring substantiation in a court of law to obtain a final decree.

## WHAT CONSTITUTES CRUELTY AGAINST HUSBAND?

Cruelty represents a social malaise. Whether one spouse is culpable of cruelty hinges on factual determinations. The definition of cruelty varies with the specific circumstances of each case. There exists neither a comprehensive nor a definitive formula to conclusively determine what constitutes cruelty.

The concept of cruelty is inherently subjective and fluctuates based on time, place, manner of conduct, and the individuals involved. It is influenced by the parties' lifestyle, social and economic standing, cultural norms, and personal values, as well as their physical and mental well-being. Numerous judicial decisions have addressed diverse behaviors and actions by wives that are deemed as cruelty against husbands.

Here are several instances or behaviors by wives that are considered as cruelty against husbands:

- **The misuse of legal safeguards intended for protecting wives**— Specifically, the misuse of legal provisions pertaining to dowry demands and cruelty, as outlined in acts like the Domestic Violence Act, Dowry Prohibition Act of 1961, Section 304B, and Section 498-A of the IPC, through the lodging of false complaints against husbands and their relatives, constitutes a form of severe cruelty within marital dynamics. This misuse involves allegations that are fabricated and made with malicious intent, aiming to falsely implicate husbands and their families in criminal offenses related to dowry harassment or domestic violence.

Such false complaints not only undermine the credibility of the legal system but also inflict significant emotional, psychological, and reputational harm on the accused husbands and their relatives. The impact of these accusations can lead to social ostracization, loss of reputation, and financial distress for the accused individuals and their families. Moreover, the legal repercussions of these false complaints often result in prolonged legal battles, tarnishing the relationships within the family and causing irreparable damage to trust and mutual respect.

In the broader societal context, the misuse of these legal provisions perpetuates an atmosphere of distrust and suspicion within marital relationships. It erodes the foundational principles of mutual respect, support, and companionship that are essential for a harmonious family life. Furthermore, it highlights the complexities and challenges within the legal framework designed to protect women from genuine cases of domestic violence and dowry-related harassment.

Addressing the issue of misuse requires a balanced approach that upholds the rights of genuine victims while preventing the exploitation of legal provisions for personal vendettas or ulterior motives. It necessitates stringent measures to deter false accusations and ensure fair and impartial investigation processes that safeguard the rights and dignity of all parties involved.

- **Desertion by wife-** If the wife intentionally decides to live apart with the aim of permanently ending cohabitation without any valid reason or justification, it constitutes cruelty within the context of marital relationships. Such deliberate actions can severely impact the emotional and psychological well-being of the husband and disrupt the stability of the family unit. It creates an atmosphere of uncertainty and emotional distress for both parties involved, affecting their ability to maintain trust and mutual respect. Additionally, this behavior undermines the fundamental principles of marriage, which include mutual support, companionship, and shared responsibilities. The consequences of such decisions can lead to prolonged legal disputes, emotional trauma, and challenges in co-parenting if children are involved. Therefore, the deliberate decision to live separately without just cause or excuse not only violates the trust and commitment expected in marriage but also constitutes a form of emotional and psychological cruelty that can have lasting effects on all family members.

- **Adultery by the wife-** Adultery by a wife refers to her engaging in extramarital relationships or voluntarily entering into sexual or illicit relations with someone other than her husband while the marriage is still in force. Even if this occurs only once, such behavior is considered cruel within the marital context.

This act of adultery fundamentally breaches the trust and fidelity expected within a marriage, causing deep emotional anguish and distress to the husband. It undermines the foundation of mutual respect and commitment upon which marriages are built. The impact of adultery extends beyond physical infidelity, affecting the psychological and social well-being of the spouse who is betrayed.

In legal terms, adultery is often cited as a ground for divorce in many jurisdictions. It reflects a breach of the marital contract and the vows of fidelity taken during the wedding ceremony. The consequences of adultery are profound, often leading to irreparable damage to the marital relationship and sometimes resulting in the breakdown of the marriage itself.

Furthermore, the societal implications of adultery are significant, influencing perceptions of morality, fidelity, and integrity within marital relationships. Adultery not only affects the spouses involved but also impacts the broader family and community dynamics.

Addressing adultery requires sensitivity to the complex emotional and legal dimensions involved. It necessitates a nuanced approach to understand the motivations and circumstances surrounding such behavior while also recognizing the rights and emotions of the aggrieved spouse. Ultimately, preventing adultery and its consequences requires fostering open communication, mutual respect, and a commitment to maintaining the sanctity of marital bonds.

- **Bigamy**- Entering into a second marriage while a valid marriage still exists constitutes an act of cruelty. This scenario, known legally as bigamy, involves the wife marrying another person despite already being legally married. This breach of marital fidelity and legal obligations profoundly impacts the existing spouse.

Bigamy undermines the fundamental trust and commitment that are essential for a healthy marital relationship. It not only violates the vows of exclusivity and fidelity taken during the initial marriage but also creates significant emotional and psychological distress for the spouse who discovers the betrayal.

Legally, bigamy is considered a serious offense in many jurisdictions and can lead to legal consequences for the offending spouse. It raises complex issues of marital rights, responsibilities, and legal status, often resulting in legal disputes and complications.

In addition to the legal implications, bigamy disrupts family dynamics and societal norms surrounding marriage. It challenges societal values of monogamy and faithfulness, affecting not only the spouses involved but also their families and communities.

From a moral standpoint, bigamy is widely condemned as it violates the ethical norms of commitment, trust, and loyalty within marriage. It reflects a disregard for the sanctity of marital vows and the emotional well-being of the spouse who is deceived.

Addressing bigamy requires legal measures to protect the rights of the aggrieved spouse and uphold the integrity of marriage as a social institution. It underscores the importance of fidelity and honesty in marital relationships, emphasizing the need for mutual respect and commitment to sustain a healthy and enduring marriage.

- **Threats given by wife-** When a wife issues threats to leave her husband's home or to commit suicide in order to coerce him into meeting unlawful demands or serving her personal interests, such behavior constitutes cruelty. This form of emotional and psychological manipulation is recognized as an act of cruelty because it places undue stress and pressure on the husband, undermining the foundation of mutual respect and trust essential for a healthy marital relationship. These threats can create a hostile and unsafe environment, potentially leading to severe emotional distress and mental anguish for the husband.
- **Insulting husband or relatives of husband-** If a wife makes false accusations against her husband or his relatives in front of others, or uses defamatory language with the intent to damage their reputation, this behavior is considered cruelty. Publicly humiliating the husband in the presence of family members and friends also constitutes cruelty, as it aims to degrade and undermine his dignity. Furthermore, if the wife falsely alleges that her husband is involved in an illicit relationship with another woman or has a girlfriend, this too is regarded as an act of cruelty. Such actions can cause significant emotional distress and harm, disrupting the trust and respect that are foundational to a marital relationship.
- **Refusal by wife to perform marital obligations-** If a wife refuses to engage in physical intimacy with her husband or neglects other essential marital responsibilities, such as consistently failing to prepare meals properly or on time, without any valid reasons, this behavior can be regarded as cruelty. Such actions undermine the mutual commitments and expectations inherent in a marital relationship. The deliberate denial of physical affection and the refusal to fulfill basic

household duties can cause significant emotional and psychological strain on the husband, disrupting the harmony and stability of the marriage. These behaviors, when persistent and unjustified, are seen as a breach of the marital bond and are thus treated as acts of cruelty.

- **False FIR or complaint by wife-** If a wife, with malicious intent, files a First Information Report (FIR) or makes any complaint against her husband and his relatives, knowing the allegations to be false, this conduct is considered mental cruelty. Such actions, intended to harass, humiliate, or achieve some ulterior motive, inflict significant emotional and psychological distress on the husband and his family. By deliberately using legal avenues to cause trouble and tarnish their reputations without justification, the wife creates an atmosphere of fear, anxiety, and mistrust. This form of manipulation and deceitful behavior severely undermines the trust and respect essential in a marital relationship and is thus recognized as an act of mental cruelty.

- **Cruel behaviour of wife-** Under normal circumstances, a wife is expected to cooperate with her husband and live harmoniously with his family. However, certain behaviors can constitute cruelty. These include acts such as tearing her husband's shirt or breaking the 'Mangal Sutra' in front of his relatives, which are clear signs of disrespect and aggression. Additionally, engaging in unnatural conduct and misbehavior towards her husband and his relatives, pressuring her husband to leave his family home, or insisting that he live separately from his parents or family, also contribute to an environment of cruelty.

Disrespectful behavior towards her husband and in-laws, consistently disobeying their advice or instructions without any reasonable justification, and neglecting family responsibilities are further examples of cruelty. Activities that cause mental harassment, such as emotional manipulation or deliberate neglect of familial duties, disrupt the peace and harmony of the household and are considered acts of cruelty. These actions collectively undermine the mutual respect and support that are fundamental to a healthy marital relationship.

- **Some other grounds of cruelty-** If a wife engages in immoral behavior that negatively impacts the children or the family, this is considered an act of cruelty. Such behavior can create a harmful environment, leading to emotional and psychological distress for all family members, particularly the children, who are especially vulnerable to negative influences.

Additionally, certain health and psychological conditions of the wife can contribute to an

environment of cruelty within the marriage. For instance, if the wife suffers from a mental disorder or unsoundness of mind that significantly disrupts family life and relationships, it can be deemed as cruelty. Similarly, if the wife experiences frigidity or a lack of sexual responsiveness, and this condition causes severe strain on the marital relationship without any effort to seek help or understanding, it is considered a form of cruelty.

Moreover, if the wife is suffering from chronic or debilitating health conditions such as filariasis, which severely impacts her ability to fulfill marital and familial responsibilities, and this leads to continuous distress and burden on the family, it can be regarded as cruelty. These conditions, when they result in persistent and unaddressed difficulties within the marriage, can undermine the mutual support and respect necessary for a healthy marital relationship.

## JUDICIAL PRECEDENTS

The Hon'ble Supreme Court and various High Courts have repeatedly expressed concern over the growing misuse of Section 498-A of the Indian Penal Code (IPC) concerning dowry and cruelty. The courts have observed that "the abuse of this section can result in new forms of legal terrorism." The Hon'ble Supreme Court has emphasized that this section is intended to be used as a shield for protection, not as a weapon for malicious purposes. The mere fact that the section is declared constitutional does not grant individuals the right to use it to settle personal vendettas deceitfully. Here is a list of notable Indian case laws on cruelty to husbands, these case laws illustrate various aspects of cruelty, particularly mental cruelty, recognized by Indian courts in the context of marital relationships

### 1. **K. Srinivas Rao vs. D.A. Deepa**<sup>1</sup>

In this case, the Supreme Court of India addressed the issue of marital cruelty. The court ruled that persistent and unjustified denial of sexual intercourse by a spouse can constitute mental cruelty. This landmark decision highlighted the significance of mutual respect and fulfillment of marital obligations in maintaining a healthy relationship, emphasizing the impact of such denial on the mental well-being of the aggrieved party. The judgment underscored the importance of considering emotional and psychological aspects in cases of matrimonial disputes, setting a precedent for future rulings on similar matters.

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<sup>1</sup> (2013) 5 SCC 226

**2. K. Srinivas vs. K. Sunita<sup>2</sup>**

In this case, the Supreme Court of India addressed the issue of mental cruelty in matrimonial disputes. The court held that making false allegations of an extramarital affair against a spouse constitutes mental cruelty. This landmark judgment underscored the importance of trust and respect in marital relationships and highlighted the detrimental impact of baseless accusations on the emotional well-being of the accused spouse. The decision provided clarity on the definition of mental cruelty in the context of Indian family law, setting a precedent for future cases involving similar allegations

**3. V. Bhagat vs. D. Bhagat<sup>3</sup>**

This case dealt with the issue of mental cruelty in matrimonial disputes. The Supreme Court held that leveling false accusations against a spouse, especially in court proceedings, can constitute mental cruelty. The judgment emphasized that such behavior not only undermines the dignity and reputation of the accused spouse but also causes significant emotional distress and harm. The decision set a precedent by recognizing the seriousness of false allegations within the framework of matrimonial relationships, aiming to protect the integrity and well-being of individuals involved in marital disputes.

**4. Ravi Kumar vs. Julmidevi<sup>4</sup>**

In this case, the Supreme Court of India addressed issues related to mental cruelty in matrimonial relationships. The court emphasized that unfounded allegations and threats to leave the matrimonial home constitute mental cruelty. The judgment underscored the importance of maintaining mutual respect and trust in marital relationships and highlighted the adverse effects of such behavior on the emotional and psychological well-being of the aggrieved party. This decision provided clarity on what constitutes mental cruelty within the context of Indian family law, influencing subsequent rulings and legal interpretations in similar.

**5. Samar Ghosh vs. Jaya Ghosh<sup>5</sup>**

This landmark case dealt comprehensively with the concept of mental cruelty in matrimonial disputes. The Supreme Court laid down detailed guidelines and principles to

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<sup>2</sup> (2014) 16 SCC 34

<sup>3</sup> AIR 1994 SC 710

<sup>4</sup> (2010) 4 SCC 476

<sup>5</sup> (2007) 4 SCC 511

determine what constitutes mental cruelty in the context of marriage. The court highlighted that sustained abusive behavior, baseless accusations, and deliberate actions aimed at causing emotional pain and suffering can amount to mental cruelty. The judgment provided a structured approach for courts to assess claims of mental cruelty, emphasizing the importance of fairness, respect, and emotional well-being in marital relationships. This case has significantly influenced subsequent legal interpretations and decisions on matrimonial disputes in India.

#### 6. **Narendra vs. K. Meena**<sup>6</sup>

In this case, the Supreme Court addressed issues related to mental cruelty in matrimonial relationships. The court ruled that persistent efforts by a wife to compel her husband to separate from his family constitute mental cruelty. The judgment emphasized the importance of respecting familial relationships and upheld the right of an individual to maintain ties with their family of origin. This decision provided clarity on the interpretation of mental cruelty within the framework of Indian family law, setting a precedent for cases involving disputes over marital obligations and familial ties.

#### 7. **Gananath Pattnaik vs. State of Orissa**<sup>7</sup>

In this case, the Supreme Court of India addressed the issue of mental cruelty in the context of matrimonial disputes. The court held that making derogatory remarks against a spouse and their family members, whether in public or private, constitutes mental cruelty. The judgment emphasized the importance of maintaining dignity and respect within marital relationships and highlighted the detrimental effects of verbal abuse and humiliation. This decision provided guidance on what constitutes mental cruelty under Indian family law, reinforcing the need for mutual respect and emotional well-being in marital relationships.

#### 8. **Raj Talreja vs. Kavita Talreja**<sup>8</sup>

In this case, the Supreme Court addressed the issue of mental cruelty within the context of matrimonial disputes. The court ruled that false criminal complaints and unsubstantiated allegations of extramarital affairs by one spouse against the other can cause severe mental trauma and constitute cruelty. The judgment emphasized the serious repercussions of baseless accusations in marital relationships, highlighting the need for honesty and fairness

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<sup>6</sup> (2016) 9 SCC 455

<sup>7</sup> AIR 2002 SC 235

<sup>8</sup> (2017) 14 SCC 194

in legal proceedings related to matrimonial disputes. This decision contributed to the jurisprudence on mental cruelty in India, underscoring the importance of genuine allegations and the impact of false accusations on emotional well-being.

#### 9. **Vinita Saxena vs. Pankaj Pandit**<sup>9</sup>

This case involved issues related to matrimonial disputes and the interpretation of mental cruelty under Indian family law. The Supreme Court addressed the complexities of marital relationships and the impact of behavior that undermines mutual trust and respect. While specific details of this case may vary, it contributed to the evolving jurisprudence on mental cruelty by providing insights into the factors considered in determining such claims. The judgment aimed to balance the rights and responsibilities within marital relationships, emphasizing the need for sensitivity and fairness in resolving disputes affecting emotional well-being.

### **LEGISLATIVE PROTECTION GIVEN TO HUSBANDS**

While the law typically assumes husbands as perpetrators and wives as victims of domestic violence, the increasing misuse of this presumption has prompted various protections for husbands. As a legal recourse, husbands can initiate counter cases against their wives under the following sections, if they believe the cases brought against them are based on unfounded allegations:

- u/s 191 Giving false evidence
- u/s 192 for fabrication of evidence
- u/s 196 for using false evidence knowing it to be false
- u/s 209 for dishonestly making false claims in the court
- u/s 211 for false charge of offence made with intent to injure

Courts have expressed the view that marital laws should aim for a balanced implementation that considers the interests of both spouses. To deter misuse, strict punishments should be enforced. Baseless allegations can lead to the unjust imprisonment of innocent individuals, subjecting them to incarceration alongside hardened criminals, which profoundly affects their personality and mindset. Therefore, it is crucial to refrain from making unsubstantiated accusations, regardless of their severity or nature.

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<sup>9</sup> (2006) 3 SCC 778

Moreover, within the Indian context, there exists a longstanding tradition of exchanging gifts. Under the Hindu Marriage Act, these gifts are referred to as streedhan, which are under the sole control of the wife, though both spouses can benefit from them. This complicates distinguishing between dowry demands made by the husband and his relatives versus gifts willingly given to the bride by her parents or relatives. In cases of marital discord, this ambiguity can provide an opportunity for the wife to falsely accuse the husband of making unlawful dowry demands.

While it is undeniable that women often endure cruelty, it is equally crucial to ensure that laws are not overly broad, leading to their misuse. Husbands and their families should not face immediate and severe consequences but should be afforded ample opportunity to respond to allegations. Family members who are respected, responsible citizens with no criminal history should be given appropriate consideration, as the misuse of laws can cause irreversible harm and result in unwarranted victimization..

Here are examples of evidence that men can use in family courts to defend themselves and their relatives:

- Capturing incidents on mobile phones.
- Recording audio clips and requesting family courts to consider them as evidence.
- Providing an audio CD along with a verification certificate issued by officials under Section 65B of the Indian Evidence Act, 1872.

It is noteworthy that the authenticity of electronic evidence does not need to be established during the initial stages of the proceedings or at the time of submission in court. Verification can occur at a later stage as well.

The discriminatory nature of these laws is evident in the fact that a woman and her family can lodge a complaint and have her husband or his relatives arrested at any time under Section 498A of the Indian Penal Code without presenting any evidence. Adding to this unjust practice in India, the burden of proving innocence also falls on the accused. Essentially, as soon as a husband or his relative is accused of an offense by the wife or her relatives, they are arrested by the police, treated as guilty in the eyes of the law, without due consideration of the circumstances. This section being cognizable, non-bailable, and non-compoundable further exacerbates the situation. Therefore, it is imperative to recognize that it is the constitutional right of the accused to receive proper legal defense.

## REMEDIES AVAILABLE

If men face a false complaint filed by their wife, they have two options: either defend their case and await judgment, or file a counter case against their wife to prove their innocence, as outlined below.

### **Defensive Remedies:**

Men can safeguard themselves and their families against false complaints by taking the following precautions:

- Record all conversations (voice, chat, email, letters, etc.) with individuals making threats and keep the originals secure without disclosing them to anyone.
- Gather evidence to prove they have neither demanded nor accepted dowry.
- Collect evidence demonstrating that the wife abandoned marital obligations without justification.
- This evidence can be crucial in obtaining anticipatory or interim bail from the court.
- File for Restitution of Conjugal Rights (RCR) if the wife has left the marital home due to threats, specifying conditions for her return.

### **Offensive Remedies:**

Men can strengthen their defense and seek quicker resolution by filing counter cases against their wives:

- Section 120B IPC: Alleging criminal conspiracy if the wife is conspiring against him and his family.
- Section 167 IPC: Accusing public servants of fabricating false documents if they assist the wife in filing a false complaint.
- Section 182 IPC: Filing charges for giving false information to harm someone using the legal process.
- Section 191 IPC: Alleging false evidence presented against him in court or police proceedings.
- Section 197 IPC: Charging the issuance of false certificates.
- Section 471 IPC: Alleging the use of forged documents.
- Section 500 IPC: Filing for defamation if reputation is unfairly damaged.
- Section 506 IPC: Charging criminal intimidation if threats to harm him or his family are made.

- Section 227 Cr.PC: Filing a complaint asserting that a 498-A case is falsely framed.
- Section 9 Cr.PC: Initiating a damage recovery case if the wife falsely accuses him of abuse and seeks protection orders.

### **Gender Biased Laws:**

- Maintenance under Section 125 of the Code of Criminal Procedure, 1973: Section 125 of the CrPC provides for maintenance not only to wives but also to their parents and children.
  - Maintenance is considered a facet of social justice, imposing a fundamental duty on men to support their dependents who are unable to maintain themselves.
  - The law predominantly places the responsibility of maintenance on men.
  - The Hindu Marriage and Adoption Acts also impose a gender-biased duty on men to maintain their wives and children.
  - There have been calls to declare Section 125 CrPC unconstitutional under Article 14 due to its gender-specific burden of providing maintenance solely on men.
- Sections 375 & 376 of IPC: These sections primarily address sexual offenses such as rape, stalking, voyeurism, and sexual harassment. FIRs for these offenses can only be filed by women.
  - Section 375 defines rape in terms of male perpetration and does not legally recognize men as victims of rape.
- Section 354 of IPC: This section deals with assault with intent to outrage the modesty of a woman, yet there is no corresponding law to protect the modesty of men.
- Section 498A of IPC: This section deals with cruelty by husbands or their relatives towards wives and carries a penalty of imprisonment up to three years and a fine.
  - There is no equivalent law in India that penalizes women for committing acts of cruelty against men, despite the occurrence and possibility of such scenarios.

## **CONCLUSION AND SUGGESTIONS**

In India, the legal principle often seems to be "women are innocent until proven guilty, and men are guilty until proven innocent." This stark gender disparity forms the basis of assessing criminal cases. When we discuss equality before the law and equal protection under Article 14 of the Indian Constitution, this disparity becomes glaring in how crimes by men and women are penalized. This is a fundamental flaw in the Indian Penal Code, 1860, which has exacerbated the issue of "cruelty towards husbands and their families by wives and their relatives."

This phenomenon can be likened to the pendulum effect. In the past, women had few rights, often married young without education, and faced severe mistreatment if widowed, while men and their families wielded supreme control. Now, the pendulum has swung to the other extreme, with women's protection laws sometimes being misused as weapons against men. Over time, this pendulum should ideally find a balance that serves the interests of both parties.

The judiciary's primary goal should be to equitably address both needs and concerns. While recognizing the severity of punishments prescribed under Section 498A of the IPC and other laws protecting women, equal importance must be given to protecting men. Laws should be crafted in a gender-neutral manner to truly uphold our fundamental right to equality effectively. This does not imply abolishing women's protection laws; rather, it seeks to eliminate any subconscious fear of punitive actions among men and their families.

There is a pressing need for the judiciary to bridge the gap in criminalizing gender-based offenses, ensuring that no citizen suffers unjustly due to gender discrimination. Justice must strike a balance where neither party faces harmful biases, and laws serve to protect victims of heinous crimes while penalizing wrongdoers.

It is crucial for the judiciary to establish stringent laws for men's protection, similar to those for women, to close this loophole that some women exploit within our legal system. If men can be held accountable for their actions, then women should face the same accountability. Failure to address this issue only emboldens women to harass innocent men and their families.

If the judicial system continues to prioritize women's protection, it is imperative that laws protecting men are also enacted without delay. This is the urgent need of the hour to rectify gender inequality deeply embedded in our society.

Gender inequality remains a pervasive issue rooted in our societal norms, perpetuated even in modern debates on gender equality. The education system and stereotypes play a significant role, where pink is associated with femininity and blue with masculinity.

I strongly advocate for systemic changes in education. Gender equality should be a mandatory subject for all students, alongside other subjects. This approach would not only mitigate gender

biases but also dismantle the misconception that girls are weaker and boys stronger. It would foster comprehensive child development, paving the way for a more inclusive culture in the future.

In conclusion, substantive laws must be enacted to protect men from mistreatment in society, ensuring their rights are safeguarded and respected.

