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# **ENSURING JUSTICE AND EQUALITY: THE NEED FOR JUDICIAL VIGILANCE AGAINST THE MISUSE OF DOMESTIC ABUSE AND DOWRY LAWS**

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## **Abstract**

India's legal provisions on domestic abuse and dowry harassment, particularly section 498A of the Indian Penal Code (IPC) – section 85 in the Bharatiya Nyaya Sanhita (BNS) and the Dowry Prohibition Act, 1961, were enacted to protect women from cruelty and unlawful demands for dowry. However, the misuse of these laws has become a growing concern, leading to wrongful arrests, social stigma, and prolonged legal battles for innocent husbands and their families. Courts have repeatedly acknowledged this issue, emphasizing the need for procedural safeguards to prevent the exploitation of these protective provisions.

This paper examines the judicial recognition of false complaints, with a particular focus on the Kerala High Court's ruling in *Noushad K v. State of Kerala & Anr.*, where the Court asserted that legal investigations must consider both the complainant's and accused's versions, rather than presuming the complainant's allegations as absolute truth. The ruling reinforces the importance of unbiased investigations and judicial vigilance to uphold the principles of justice.

Furthermore, the paper discusses the broader implications of false accusations, including their impact on innocent individuals, the judicial backlog, and the dilution of protection for genuine victims. It argues for the need for legal reforms, such as mandatory preliminary investigations, stricter penalties for false complaints, law enforcement training, gender-neutral domestic violence laws, and alternative dispute resolution mechanisms.

By advocating for a more vigilant judiciary and responsible law enforcement, this paper highlights the necessity of a balanced legal framework that safeguards both victims of genuine abuse and those falsely accused, ensuring that justice and equality prevail in the Indian legal system.

**Key words:** *Dowry Prohibition, Domestic Abuse, Equality, Gender-neutral Laws, False complaints, Legal Reforms, 498A*

## **Introduction**

India's legal framework for addressing domestic abuse and dowry harassment has been a cornerstone of its commitment to protecting women from violence and oppression. Laws such as section 498A of the Indian Penal Code (IPC) – section 85 in the Bharatiya Nyaya Sanhita (BNS) and the Dowry Prohibition Act, 1961, were enacted with the noble intention of shielding women from cruelty, harassment, and the unlawful demand for dowry. These legal provisions, backed by stringent penalties, have played a significant role in ensuring justice for countless victims. However, in recent years, there has been a growing concern about the misuse of these laws, with allegations that they are being weaponized to harass innocent husbands and their families.

False accusations under these laws have led to wrongful arrests, social stigmatization, and prolonged legal battles for many men and their families. The non-bailable and cognizable nature of section 498A IPC (section 85 BNS) has often resulted in automatic arrests without thorough investigation, thereby undermining the principles of fairness and justice. Recognizing this issue, the Indian judiciary has repeatedly intervened to curb the misuse of these laws. The Supreme Court, in cases such as *Armesh Kumar v. State of Bihar*<sup>[1]</sup> and *Rajesh Sharma v. State of U.P.*<sup>[2]</sup>, has acknowledged the rampant misuse of section 498A IPC and issued guidelines to prevent frivolous cases from leading to unwarranted harassment of innocent individuals.

More recently, the Kerala High Court, in *Noushad K v. State of Kerala & Anr.*, reiterated this concern in the context of false sexual harassment allegations. The Court emphasized that a criminal investigation must consider both the complainant's and the accused's versions, stating:

*"There cannot be any unilateral investigation of the case put up by the complainant alone, merely because the de facto complainant is a lady. There is no presumption that, in all cases, her version is the gospel truth, and the police cannot proceed based on her statement alone without considering the statement of the accused."*<sup>[3]</sup>

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<sup>1</sup> 2014 INSC 463

<sup>2</sup> (2018) 10 SCC 472

<sup>3</sup> *Noushad K. v. State of Kerala & Anr.*, 2025 LiveLaw (Ker) 143.

This observation by the judiciary underscores the urgent need for stricter vigilance in both the legal and investigative processes. False complaints not only tarnish the reputation of the accused but also weaken the credibility of genuine victims who seek justice under these laws. The misuse of protective legislation diverts valuable judicial and investigative resources, burdening an already overburdened legal system.

This article investigates the increasing misuse of domestic abuse and dowry laws, examining landmark judgements that highlight the necessity for procedural safeguards. It argues for a more vigilant judiciary and law enforcement system that ensures fairness in investigations and prosecutions, thereby upholding the principles of justice and equality for all individuals-regardless of gender.

### **Judicial Recognition Of The Misuse Of Protective Laws**

The Supreme Court of India has repeatedly acknowledged the misuse of section 498A IPC, recognizing its impact on innocent men and their families. In *Arnesh Kumar v. State of Bihar*, the Court remarked:

*"The fact that Section 498A is a cognizable and non - bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shields by disgruntled wives."*<sup>[4]</sup>

Similarly, in *Rajesh Sharma v. State of U.P.*, the Supreme Court directed the formation of Family Welfare Committees (FWCs) to scrutinize complaints before legal proceedings to prevent frivolous cases.<sup>[5]</sup> However, the decision was later modified in *Social Action Forum for Manav Adhikar v. Union of India*, emphasizing that due process must be followed but without unduly restraining genuine complainants.<sup>[6]</sup>

In the recent *Noushad K* case, the Kerala High Court reinforced this principle by stating that investigating officers must consider the accused's version before filing charge sheets. The Court held that:

*"The damage caused to a citizen because of false implication cannot be compensated by payment of money alone. His integrity, position in society, reputation, etc. can be ruined by a single false complaint."*<sup>[7]</sup>

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<sup>4</sup> *Arnesh Kumar v. State of Bihar*, 2014 INSC 463

<sup>5</sup> *Rajesh Sharma v. State of U.P.*, (2017) 8 SCC 821.

<sup>6</sup> *Social Action Forum for Manav Adhikar v. Union of India*, (2018) 10 SCC 443.

<sup>7</sup> *Noushad K. v. State of Kerala & Anr.*, 2025 LiveLaw (Ker) 143.



These observations reflect the necessity of a legal framework that ensures justice is served equitably, preventing the abuse of laws designed to protect genuine victims.

### **Methods of misuse and their consequences**

Over the years, several methods of misuse of these laws have been uncovered in our courts. Although the cases were proved to be falsified, the impact the cases left on the defendants have been unworlly.

1. Personal vendetta and divorce settlements -

Some wives allegedly leverage these provisions to gain an upper hand in divorce proceedings by filing false complaints to demand hefty alimony or property settlements. Senior Advocate K.T.S. Tulsi has noted:

*"There is a growing trend of filing exaggerated or false complaints to pressurize the husband into conceding unfair demands in matrimonial disputes."*<sup>[8]</sup>

2. Harassment of husband's family -

Since section 498A IPC (section 85 BNS) is non-bailable and non-compoundable, an FIR leads to automatic arrests. In many cases, elderly in-laws and distant relatives are implicated without substantial evidence, leading to severe distress and legal battles.

3. Extortion and blackmail -

False dowry and domestic violence cases have been used to coerce husbands into monetary settlements. This form of legal extortion undermines the credibility of genuine victims and clogs the judicial system with frivolous cases.

4. Social stigma and irreparable damage -

Even if a man is acquitted of false charges, the stigma associated with domestic violence and dowry harassment remains. The Delhi High Court, in *CRL. M.C. 3206/2006*, emphasized that:

*"A large number of these complaints are not bona fide and are filed with oblique motives. This brings about social chaos and results in an irretrievable breakdown of marriage."*<sup>[9]</sup>

The *Noushad K* case further highlights the irreversible consequences of false complaints, as the Court noted that investigating officers must ensure unbiased scrutiny before filing charge sheets.

<sup>8</sup> K.T.S. Tulsi, *Speech on Gender - Neutral Laws, All India Lawyers' Conference (2019)*.

<sup>9</sup> *Delhi High Court, CRL. M.C. 3206/2006*.

### **Need for stricter judicial and law enforcement vigilance**

While the judiciary has acknowledged the misuse of these laws, further legal and procedural reforms are needed to ensure justice and prevent harassment of innocent individuals. The following measures should be implemented:

1. Mandatory investigation of both parties –

Courts have repeatedly stressed that a criminal investigation must involve scrutiny of both the complainant and the accused. The *Noushad K* ruling reinforces this principle by directing police officers to investigate complaints objectively and take action against complainants found to have made false allegations.<sup>[10]</sup>

2. Stricter penalties for false complaints –

Women who file frivolous cases should face legal consequences, including imprisonment and fines, to deter the misuse of laws and prevent innocent men from enduring legal harassment.

3. Gender-neutral domestic violence laws –

Just as women can face abuse, men too can be victims of domestic violence. The law should recognize and protect men from harassment, mental torture, and false accusations. The essence of Article 14 of the Constitution of India needs to be upheld in the statutes, ensuring a true equality before law.

4. Strengthening law enforcement training –

In most cases, the investigating officers tend to take the complaint on face value. Investigating officers must receive proper training to differentiate between genuine cases and false complaints. The *Noushad K* case underscores that:

"The police should think twice before filing charge sheets in such cases. They must separate the chaff from the grain and ensure that justice is done without bias."<sup>[11]</sup>

5. Alternative dispute resolution mechanisms –

Family Welfare Committees should be empowered to mediate disputes before legal proceedings are initiated, reducing the burden on courts and preventing unnecessary criminalization of matrimonial conflicts.

### **Conclusion**

The legal provisions designed to protect women from domestic abuse and dowry harassment were enacted with a noble purpose - to address and prevent genuine cases of cruelty and

<sup>10</sup> *Noushad K. v. State of Kerala & Anr.*, 2025 LiveLaw (Ker) 143.

<sup>11</sup> *Id.*

oppression. However, over the years, the increasing misuse of these laws has posed a serious challenge to the Indian judicial system, resulting in wrongful arrests, prolonged legal battles, and irreparable damage to the reputation and lives of innocent individuals. The judiciary has repeatedly recognized the misuse of laws such as section 498A IPC (section 85 BNS) and the Dowry Prohibition Act, 1961, with courts acknowledging that these provisions are often misused as tools of harassment rather than shields for justice.

The Kerala High Court's recent ruling in *Noushad K v. State of Kerala & Anr.* serves as a strong reminder of the need for vigilance in the legal process. The Court explicitly stated that law enforcement authorities must not proceed with a case based solely on a complainant's allegations without considering the accused's version. The ruling reinforces the idea that justice must be a two-way process - one that ensures fairness for the complainant while safeguarding the rights of the accused. The Court's directive that police should investigate both versions before filing a chargesheet and take legal action against false complainants underscores the urgent need for reform in handling such cases.

The misuse of these laws not only destroys the lives of innocent men but also severely undermines the credibility of genuine victims. When frivolous complaints are filed, the focus shifts away from those who genuinely need protection, thereby diluting the effectiveness of laws intended to protect victims of abuse. Moreover, false cases clog the judiciary, delaying justice for actual victims and eroding public faith in the legal system.

The need for a balanced and just legal framework is paramount. While it is crucial to protect women from genuine cases of domestic violence and dowry harassment, it is equally important to prevent the weaponization of these laws against innocent individuals. The principle of justice demands that no person -regardless of gender - be subjected to legal harassment or wrongful punishment. A vigilant judiciary and a responsible law enforcement system must work together to uphold fairness, ensuring that protective laws serve their true purpose without being misused as instruments of personal vendetta.

By implementing procedural safeguards, strengthening investigative processes, and ensuring accountability for false complaints, India can take significant steps toward achieving a legal system that truly upholds justice and equality for all.