

## Role Of Judiciary In Curbing The Misuse Of Women-Centric Laws Against Men

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### ABSTRACT

Women-centric laws in India and many other jurisdictions are aimed at safeguarding women from gender-based violence, discrimination, and systemic inequities. Statutes such as the Protection of Women from Domestic Violence Act, 2005, Section 498A of the Indian Penal Code, and laws concerning sexual harassment have played pivotal roles in advancing women's rights. However, over the years, scholarly discourse and judicial pronouncements have acknowledged instances where these legal provisions have been misused, resulting in unintended hardships for men, including reputational damage, wrongful incarceration, and protracted litigation. This paper critically examines the role of the judiciary in identifying, curbing, and remedying such misuse, without diluting the protective intent of these laws. Drawing on landmark case law, legislative debates, and comparative perspectives, the study analyzes judicial tools such as stringent evidentiary standards, guidelines for arrest, directions for preliminary inquiries, and mandates for mediation in certain disputes. The paper also explores how constitutional principles of equality before law and due process inform judicial responses, ensuring that women-centric statutes serve their intended protective function while safeguarding against exploitation for ulterior motives. In doing so, it highlights the judiciary's balancing act—protecting genuine victims, deterring frivolous claims, and reinforcing public confidence in gender justice frameworks..

**Keywords:** women-centric laws, misuse, Judiciary, Section 498A, Domestic Violence Act, Due process, India.

### 1. INTRODUCTION:

In ancient societies, individuals protected their own rights through personal strength, self-defense, and private retaliation. As communities became more civilized, people began abandoning personal violence and started resolving conflicts through peaceful means such as mediation and arbitration based on mutual consent. Early justice systems were informal and handled within clans or community groups.

With the evolution of political organization, people gradually accepted the authority of the state. This led to the integration of justice delivery within state institutions and the end of earlier, primitive methods of dispute resolution. Eventually, state-established courts emerged as the most authoritative bodies for administering justice. Over time, the judiciary developed into an independent institution crucial for maintaining balance, upholding rights, and ensuring fair governance.

The Indian Constitution begins with five words, "we, the people of India". These five words are not simple in themselves but they represent the basic spirit of the constitution. Which means, that the constitution which is the basic document of any law is made by the people of India and its purpose is to achieve for the people of India.

According to the classical political philosophy adopted by the founding fathers of the Constitution, there are three means by which the provisions of the Suprema lex are enforced, in this trinity dimension, the judiciary is an integral part of the basic structure of the constitution. Law and Justice both complement each other.<sup>1</sup>

The primary aim of law is to secure justice within the state and society, as true social balance is possible only when justice is supported by a strong legal framework. Law and justice operate together, each reinforcing the other. In a democratic and welfare-oriented state, citizens expect the legislature to frame and update laws that promote social harmony and protect public interests. Accordingly, governments must enact new laws and revise outdated ones to meet society's evolving needs.

The judiciary, as a key pillar of governance, also plays a vital role by pointing out areas where legislative reforms are required, as seen in matters like triple talaq. India's independent judicial system, structured at multiple levels, is designed to deliver justice to every citizen, including the most marginalized.

Beyond interpreting statutes, the judiciary offers reasoned decisions that uphold equality and address social conflicts, thereby maintaining public confidence in the justice system. Through such judicial reasoning, courts have also

<sup>1</sup> Justice V.R. Krishna Iyer, "Law and life", Pg.no.-41 (Universal Law publishing CO. PVT. LTD., Delhi, 2008-reprint edn. 2011) ISBN: 978-81-7534-700-7.

recognized the misuse of certain women-centric protection laws and have intervened to safeguard men from harassment arising from such misuse.

### 1.1 Problem Statement

While the empowerment of women remains critical, the misuse of certain provisions—such as Section 498A of the IPC (cruelty by husband or relatives), Section 304B (dowry death), and provisions of the Domestic Violence Act—has been highlighted by multiple judicial pronouncements<sup>2</sup>. The Supreme Court has remarked upon the need to prevent harassment of innocent men and their families arising from false complaints<sup>3</sup>. This research examines how the judiciary has addressed these issues and sought to prevent such misuse.

### Women-Centric Legal Provisions in India

#### Constitutional Foundation for Women-Centric Laws

The Constitution of India lays a robust foundation for gender equality. Articles 14, 15, and 21 have been instrumental in shaping legislative and judicial interventions for women's rights. Article 15(3) explicitly empowers the state to enact special provisions for women and children, thereby legitimizing women-centric laws as affirmative action.

Fundamental rights, along with Directive Principles of State Policy (Articles 38, 39, 42), have consistently guided courts to adopt an expansive interpretation of women's rights. Judicial precedents have established that gender-based violence, workplace discrimination, and domestic abuse violate the right to life and dignity under Article 21.

#### Key Women-Centric Legal Provisions in India

##### Protection of Women from Domestic Violence Act, 2005

The Protection of Women from Domestic Violence Act (PWDVA) provides a comprehensive civil law remedy for women facing domestic abuse. Unlike traditional criminal provisions, the PWDVA recognizes multiple forms of abuse: physical, emotional, verbal, economic, and sexual. The Act enables protection orders, residence rights, monetary relief, and custody orders.

The law's gender-specific approach is justified on the grounds that domestic violence is overwhelmingly gendered. Protection Officers and Service Providers are tasked with supporting survivors, although implementation challenges persist.

##### Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

The POSH Act codified the Vishaka Guidelines laid down by the Supreme Court in *Vishaka v. State of Rajasthan* (1997). The law imposes institutional accountability on employers, mandates Internal Committees, and establishes complaint procedures.

The Act applies to both public and private workplaces, including informal sectors. However, concerns remain regarding untrained Internal Committee members, lack of awareness, and non-compliance in small organisations.

#### Section 498A, Indian Penal Code

Section 498A criminalizes cruelty by the husband or his relatives. Enacted in 1983 to combat dowry deaths and severe harassment, the provision has been crucial for women's safety. However, judicial observations reveal concerns about misuse, leading to the issuance of procedural safeguards for arrests.

#### Dowry Prohibition Act, 1961

The Act prohibits the giving and receiving of dowry and criminalizes related offences. Despite legal sanctions, dowry continues to be culturally entrenched, requiring both legal and societal interventions.

#### Criminal Law (Amendment) Acts

Post the 2012 Nirbhaya case, amendments strengthened laws on rape, stalking, voyeurism, trafficking, and acid attacks. These reforms expanded definitions of sexual offences and introduced stricter penalties.

#### Muslim Women (Protection of Rights on Marriage) Act, 2019

*Shayara Bano v. Union of India* (2017), wherein instant triple talaq was declared unconstitutional, Parliament enacted legislation criminalizing talaq-e-biddat and providing civil protections for Muslim women.

#### Misuse of Women-Centric Laws: The Judicial Recognition

##### Misuse of Section 498A IPC

The misuse of Section 498A has been repeatedly acknowledged by courts. In *Sushil Kumar Sharma v. Union of India*<sup>4</sup>, the Supreme Court recognized that though the provision was constitutional, it could be misused as a weapon for harassment. The Law Commission of India, in its 243rd Report, also noted increasing instances of false or exaggerated complaints<sup>5</sup>.

##### Empirical Evidence of Misuse

National Crime Records Bureau (NCRB) data indicates that while a high number of cases are filed under Section 498A, the conviction rate remains low. For example, NCRB statistics from 2021 show a conviction rate of less than 15% in such cases<sup>6</sup>. This suggests potential over-reporting or inability to substantiate allegations.

#### Judicial Safeguards Against Misuse

Judiciary, using its discretion and creative power, dispenses justice to the citizens, as a result of which judicial activism emerges. It plays an active role in upholding the values and ethics of the citizens under the constitutional system. At present, "the Supreme Court has realized that in a public welfare state, judicial activism

<sup>2</sup> Indian Penal Code, 1860, Sections 498A, 304B.

<sup>3</sup> *Sushil Kumar Sharma v. Union of India*, (2005) 6 SCC 281.

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<sup>4</sup> Ibid.

<sup>5</sup> Law Commission of India. (2012). 243rd Report.

<sup>6</sup> NCRB, *Crime in India* (2021).

will not only be used to enforce the fundamental rights of the poor and helpless citizens, but also to convert the entire society into a crime free and disciplined society.”<sup>7</sup>

Judiciary is the most vigilant institution in the country to protect democratic values and constitutionalism. Judicial activism in India covers the domain of legislative emptiness in the region of human rights. “Judicial activism athletic the faith of the common man in the rule of law while strengthening the rule of democracy.”<sup>8</sup> From time to time, the judiciary issues instructions to the legislature and the executive to perform their duties. In fact, “judicial activism is the pursuit of the spirit of the law.”<sup>9</sup>

The Judiciary has used judicial activism in various fields to make human beings live life with human dignity, which also promotes the vision of Article 21 of the Indian Constitution. Judiciary has taken forward this sequence of judicial activism by women in their legal protection rights which have been provided to them by section 498-A IPC. Expressing concern over the misuse after the deluge of disputes under this section, the attention of the legislature was directed towards its misuse. The Judiciary directed the Legislature to seriously consider the entire provision and also directed the Law Commission for the same.

#### **“Law should not become an instrument of oppression: Honorable CJI of India D.Y. Chandrachud”<sup>10</sup>**

“The Chief Justice said that sometimes law and justice do not walk on the same path, law can be an instrument of justice, but law can also be an instrument of oppression. He said that it is the responsibility of all the decision makers to ensure that the law does not become an instrument of oppression but remains an instrument of justice. It is good to have expectations from the citizens but we need to understand the limits and capabilities of the courts as institutions.

The Hon'ble Chief Justice said that we clearly know that in the colonial period the same law, which is present in the statute books today, was used as a tool of oppression. So how can we, as citizens, ensure that the law becomes an instrument of justice and not an instrument of oppression? I think the remedy should be such that all decision makers are involved and not just judges.

He says that when you have the ability to hear the unheard voice, see the unseen face, then you can truly fulfill your mission as a judge by striking a balance between law and justice. In the long run, the judicial institutions will be sustained by the spirit of compassion and mercy and the solution of the problems of the citizens”.

#### **Unnecessary investigation in matrimonial matters should be avoided**

<sup>7</sup> Dr. J.N Pandey, “Constitution of India”, Pg.no.-369 (Central Law Agency, Allahabad, 45th. edn. Hindi version, 2012).

<sup>8</sup> Soli J. Sorabjee (ed.) Attorney General for India, president- United Lawyers Association, Pg.no.-384 “Law and Justice an anthology” (Universal Law publishing CO. PVT. LTD., Delhi) ISBN: 81-7534-367-2.

<sup>9</sup> *Ibid*

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The Punjab High Court said in *Pranab Biswas v. Mrinmayee Dassi*<sup>11</sup>, case that unnecessary investigation and action in matrimonial matters should be avoided. An unnecessary finding by the court may adversely affect the course of conciliation which is likely to affect the case.

#### **There will be no arrest for two months after registering the FIR - Judgment of Allahabad High Court on misuse of section 498-A of Indian Penal Code**

Hon'ble Justice Rahul Chaturvedi of the Allahabad High Court, in the case of *Mukesh Bansal v. State of Uttar Pradesh*<sup>12</sup>, introduced a new legal principle known as the “cooling period” aimed at protecting husbands and their associates from potential misuse of the law concerning charges under sections 498-A, 504, 506, 307, and 120-B of the Indian Penal Code (IPC) and sections 3 and 4 of the Dowry Prohibition Act. This cooling period stipulates that no police action or arrests will take place within two months of filing an FIR or complaint, allowing emotional parties involved, such as the wife or her family, to reflect and reassess their grievances. During this period, cases related to section 498-A IPC, which do not involve serious injuries warranting lengthy imprisonment under section 307 IPC or others, will be forwarded to the Family Welfare Committee (FWC) of each district, which will consist of qualified members such as young advocates, reputable social workers, retired judicial officers, or educated women linked to the judicial system. The FWC, meeting with the concerned parties and their elders, will strive to mediate and resolve misunderstandings, ultimately preparing and submitting a report with recommendations to the Magistrate and Police Officer after the cooling period expires. The Magistrate will then decide based on this report. The court also emphasized that the processes must be conducted by honest officers to prevent the misuse of section 498-A IPC.

#### **Adult Male: Landmark Judgment under the Domestic Violence Act**

**“Adult Male”** The Domestic Violence Act provides protection to women from violence and only women can complain under it. Whereas a male cannot file a complaint under this Act. Before the Supreme Court Bench of Hon'ble Justices Kurian Joseph and R.F Nariman, in the matter of appeal of *Hiral P. Harsora v. Kusum Narottamdas Harsora*<sup>13</sup>, “arising out of a Division Bench decision of the Bombay HC. This raises a vital question of the constitutional legitimacy of section 2 (q) of the DV Act 2005. The functioning of Article 14 is based on negative and positive concepts. The basic element of this concept is based on equality which is made up of two phrases. First, “equality before the law” and second, “equal protection of law”. The first element of this phrase has been taken from the British Constitution which has a

<sup>10</sup> Available at <https://madhyamamonline.com/india/lawmakers-must-ensure-law-is-no-tool-for-oppression-cji-chandrachud-1095592> (Last visited on December 8, 2025, 11:46am).

<sup>11</sup> AIR 1999 All 43.

<sup>12</sup> Criminal revision no.1126 of 2022 (Allaha.), Decided on 13-6-2022

<sup>13</sup> SLP (Civil) No. 9132 of 2015.

negative viewpoint and the second element has been taken from the American Constitution which has a positive viewpoint.

The court indicated that the principle of equality has been addressed in prior rulings, thus no extensive discussion is necessary. This principle, a cornerstone of constitutional law, posits that all individuals are equal under the law and cannot claim special privileges. However, societal variations necessitate logical proposals for the public good, making uniform laws challenging if the foundational structures differ. For societal advancement, proper classification is essential, but it must be grounded in objective and relevant distinctions rather than arbitrary criteria.

#### **Court punishes wife in false domestic violence case: One Lakh fine**

The court, in the important case of **Sumana Bhasin v. Neeraj Bhasin**<sup>14</sup>, held that “In this case, the court has said that section 2(a) of the DV Act 2005 clearly states that the victim will have to prove his case in the court. Whereas in this case the complainant has not succeeded in doing so and hence he is not entitled for relief. The purpose of the present Act is to provide relief to the victim of domestic violence and not to provide relief to the perpetrators. In this case, the complainant has made various types of allegations against the accused and has declared him wrong. Even material facts have been concealed from the court to victimize the respondent. This Act has been misused as a tool to recover money unfairly. The complainant has made false allegations against Neeraj Bhasin who is the defendant number one in order to gain undue personal benefit. In such a dire situation, the court cannot remain a mute spectator. The purpose of this law is to provide justice to the victims of domestic violence. But it is working like a tool which harasses the opposition party and thus this Act is being misused. While describing this case, the court said that, the Supreme Court has said in the case of **Rameshwari Devi & Ors v. Nirmala Devi & Ors**. That the litigant can harass the defendant indefinitely by presenting false pleas and documents by taking the judicial system as its basis. A demand has been made from the court to impose a fine on the complainant so that those having such ideologies can be controlled. The Court dismisses the application made by the complainant u/s 12 PWDV Act with costs of Rs 1, 00,000/- (Rupees One Lakh) which the complainant shall deposit in the account of the Blind Relief Association. The court clearly wrote in its decision that the imposition of fine is based on the principle that wrongdoers should not benefit from frivolous lawsuits. All interim orders are canceled by the court.”<sup>15</sup>

#### **“There is no legal provision like Domestic Violence Act for husband to take action against wife”: Madras High Court**

<sup>14</sup> CC No. 316/3/2007 DL.

<sup>15</sup> Available at <https://indiankanoon.org/doc/165927699/> (Last visited on Oct 18, 2022, 12:29am) and Available at <https://advocateaamirhasanworldpress.wordpress.com/2016/07/12/women-cannot-misuse-legal-protection-to-extort-unjustified-money-from-husband/>

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Hon'ble Justice S. Vaidyanathan<sup>16</sup>, of the Madras High Court said in **Dr. P. Sasikumar v. The Director**<sup>17</sup>, That today's generation should understand that a sacred bond like marriage is not a contract but a sacrament. Undoubtedly, the word Sanskar has no meaning after the Domestic Violence Act 2005 came into force which gives sanction to live in relationship. In this case, while reinstating a suspended officer who faced cruelty and voluntary desertion by the wife, the Madras High Court observed that there is no legal provision like the Domestic Violence Act for the husband to act against the wife. In this case, a complaint of domestic violence was lodged by the wife just before the issue of the long pending divorce decree.

Justice S. Vaidyanathan observed that it appears that the present complaint has been filed by the wife only to harass the petitioner as she was apprehensive that the decree of divorce would be granted by the court. Therefore, she filed the present complaint for harassing her husband. On the basis of which the police took action and the husband was suspended by the department. Justice S. Vaidyanathan said that the department was not required to suspend the petitioner and ordered his reinstatement within fifteen days. The Hon'ble Judge observed that since the present case is extraordinary, the Court interferes with the impugned order of suspension passed by the Director of the Department. He said that husband and wife should realize that arrogance and intolerance are like shoes. When they enter the house they should be left out of the house otherwise the children will face a pathetic situation in life.

#### **Madhya Pradesh High Court in reference to FIR registered on false allegation of rape, says it is abuse of process of law**

The Madhya Pradesh High Court in the case of **Gopal Oyan v. State of Madhya Pradesh**<sup>18</sup> observed that, “the petitioner has filed a petition in the High Court under section 482 Cr. P. C. The victim lodged an FIR under section 376(2) (n) of the IPC at Police Station-Industrial Area, Satlapur, District Raisen. Which was registered on date 20-10-2020 and its FIR number is 143/2020. To quash this FIR, a petition has been filed in the Honorable Court. The petitioner's lawyer says that the material of the FIR is not sufficient and the statement given by the victim under section 164 of Cr. P. C is not sufficient. The fact that the victim herself has refused to undergo medical examination cannot be ignored. Therefore, in view of the present circumstances, no case is made out against the petitioner under section 376 IPC. Therefore, there is no sufficient ground to initiate criminal proceedings under FIR No. 143/2020. Whereas the prosecution, on behalf of the victim, said that the victim had filed an FIR against the petitioner on 20-10-20. In which she said that by making a false promise of marriage, the petitioner had physical relations against her will. The victim said that during her

<sup>16</sup> Available at <https://indiankanoon.org/doc/10319436/>.

<sup>17</sup> W.P.No.1613 of 2021(Mad.), Decided on 31-3-2021.

<sup>18</sup> M.Cr.C. No.37322 of 2021(Mad.), Decided on 12-5-2022

studies, she met the petitioner through Facebook and thereafter they became friends. In May 2020, the parents of the petitioner and the victim met and agreed to get them married. On 16.09.2020, the petitioner came to the victim's house in Khanpura and stayed there for some days. The petitioner had physical relations with the victim on 17 September 2020 on the basis of assurance of marriage. Even after this, he had physical relations with the victim several times. The petitioner refused to marry on 20 October 2020. After this, the victim went to the police station with her father and lodged an FIR. The court says that after considering the facts of the present case, we are of the opinion that the petitioner has not made a false promise of marriage. The physical relationship between the two parties has been established of their own free will. Even the victim was aware of the hindrance of religious beliefs. An engagement ceremony was held which was aimed at removing the social barriers between them. But disputes arose among them as to whether it would be better to perform the marriage at a church or a temple. After this the marriage ultimately failed. It is not possible to stick to the facts presented by the victim because it is not sufficient. Therefore, it cannot be said that the petitioner did not intend to marry and only to establish physical relationship he has given all such statements fraudulently. As is available in the documents, the victim has refused to undergo medical examination of herself. There is no medical opinion available regarding the victim so that it can be ascertained whether physical relations were established with her or not. In such a situation, a case cannot be prosecuted against the petitioner under section 376 IPC because it is not clear that physical relations were forcibly made with the victim without her consent. After considering all the above facts, there is an indication of acquittal of the petitioner and the Court has no hesitation in holding that criminal proceedings have been initiated against the petitioner. This is nothing but an abuse of the process of law. The Court, in exercise of power under section 482 of Cr. P. C for the purposes of justice, quashes the FIR and orders quashing of all proceedings arising there from.”<sup>19</sup>

#### **The Madras High Court said the Sexual Harassment of Women at Workplace Act cannot be misused to harass anyone**

Hon'ble Justice M. Sathyanarayanan and Mrs. R. Hemalatha of Madras High Court in *Union of India v. Smt. Reema Srinivasan Iyengar*<sup>20</sup>, on misuse by false allegations under the legal protection powers given to women at workplace in POSH Act, 2013 that, “It is a settled principle that a complaint under the POSH Act, 2013 should not be investigated preliminary but should be investigated thoroughly. Along with this, it is also necessary that the person accused should be given full opportunity to defend himself. There is a clear provision

under section 14 of this Act that if any complaint is made by the victim with malicious intent, then there is also a provision to punish the complainant if such complaint is false. In this case, the false complaint had to be investigated under section 14 of the Act. Two provisions have been given in this section. First of all, if a person is unable to prove the complaint, then that complaint will not be called false. Second provision: Under this section, if the complaint is found to be false then malicious intent will have to be specifically established before taking disciplinary action. Every office has its own area of work and has a certain etiquette. An employee is not normally required to or permitted to leave the office on that day without completing his/her work. In such a situation, the administrative head has the right to get the work completed by such a person. If any discrimination is faced by a female employee due to disability or any other reason, then there cannot be any avenue for such complaint. The objective of the POSH, Act 2013 is to give equal status to women at the workplace and to create a cordial working environment for them so that their dignity and respect can be protected. This cannot be imprimatur to be misused by female to harass someone with an exaggerated or nonexistent allegations.”<sup>21</sup>

#### **Judiciary Initiate for man's right**

#### **Guidelines in Arnesh Kumar v. State of Bihar (2014)**

In *Arnesh Kumar v. State of Bihar*<sup>22</sup>, the Supreme Court issued strict guidelines against automatic arrests in 498A cases. The Court mandated that police follow CrPC Section 41 guidelines, requiring reasons for arrest and approval from higher officers.

#### **Mediation and Counseling**

In *Rajesh Sharma v. State of U.P.*<sup>23</sup>, the Supreme Court suggested the formation of Family Welfare Committees (FWC) to scrutinize complaints before arrests. Although later modified in *Social Action Forum for Manav Adhikar v. Union of India*<sup>24</sup>, the emphasis on mediation and preliminary scrutiny remained.

#### **Quashing of Frivolous FIRs**

Under Section 482 CrPC, High Courts have been proactive in quashing FIRs found to be an abuse of process. For instance, in *Preeti Gupta v. State of Jharkhand*<sup>25</sup>, the Court noted the need to reconsider the breadth of Section 498A to prevent its misuse.

The court said if the allegations are found to be baseless, strict action should be taken. *Preeti Gupta v. State of Jharkhand*<sup>26</sup>, Regarding the misuse of section 498-A of I.P.C, the court said that the complaints related to it are coming in the form of flood in the court. Its misuse is affecting the balance of peace and harmony in the society. It is not that the husband and his related relatives behave

<sup>19</sup> Available at <https://indiankanoon.org/doc/9191434>

<sup>20</sup> WP. Nos.10689, 24290 and 4339 of 2019(Mad.) decided on 17-2-2020.

<sup>21</sup> Available at <https://indiankanoon.org/doc/188393280/>

<sup>22</sup> *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273.

<sup>23</sup> *Rajesh Sharma v. State of U.P.*, (2017) 8 SCC 746.

<sup>24</sup> *Social Action Forum for Manav Adhikar v. Union of India*, (2018) 10 SCC 443.

<sup>25</sup> *Preeti Gupta v. State of Jharkhand*, (2010) 7 SCC 667.

<sup>26</sup> 2010 AIR (SC) 3363; and V.k.dewan, “Law Relating to Cruelty towards and offences against husbands”, Pg.no.-111 (Asia Law house, Hyderabad, 5th. edn. 2021) ISBN: 978-93-90227-30-3.

badly in all the cases. Finding out the truth is a difficult task, so the legislature should make reasonable changes in this existing law keeping in mind the practical realities.

**P. Kalyanasundaram v. K. Paquialat Chamy**<sup>27</sup>, the wife complained of false allegations against the husband to the police officers and where the husband was working, he also complained to his higher officials regarding false allegations. But the wife could not prove these allegations in the court, after which the court considered this act of the wife to be a cruel behavior. **Savitri Devi v. Ramesh Chand and Ors.**<sup>28</sup>, The court said in this case that section 498-A IPC is being misused to a great extent, and the male society is being oppressed by this misuse. Due to its misuse, the sacred institution like marriage is getting degraded. Therefore, the legislature should review this law.

**Sanjay Sudhakar Bhosale v. Khristina**<sup>29</sup>, Bombay High court bench's, Aurangabad judgment, the wife's application under section 125 of the Cr.P.C. is dismissed. No maintenance to wife under crpc-125 if she cannot prove cruelty.

### Conclusion

Women-centric legislation in India stands as a vital expression of the country's dedication to promoting equality, safeguarding dignity, and ensuring justice for women. Guided by constitutional principles, both the legislature and judiciary have developed an extensive legal framework to confront issues such as domestic abuse, workplace harassment, dowry-related cruelty, sexual offences, and discriminatory social norms. These measures have broadened avenues for women to seek redress, strengthened institutional responsibilities, and helped shift societal attitudes toward gender-based violence. However, the success of these laws ultimately depends on their effective enforcement, which requires capable officials, sensitive institutions, widespread legal awareness, and continuous policy review. Although procedural misuse must be addressed through appropriate safeguards, such concerns cannot overshadow the need for strong protective legal mechanisms for women. Moving forward, India must adopt an integrated strategy that blends legal reform with social education and efficient implementation. Only then can the promises of women-centric laws be fully realized, allowing the nation to advance toward a more just, inclusive, and gender-balanced society.

### Suggestions

#### Introduce Structured Preliminary Inquiry Before FIR Registration

A brief, evidence-based preliminary assessment conducted by trained officers can help distinguish genuine complaints from impulsive or fabricated allegations. This ensures that only cases with *prima facie* merit proceed, while still allowing immediate protection measures when necessary.

#### Strengthen Accountability for Malicious Complaints

The legal framework should contain clearly defined consequences for complaints that are proven—after due judicial scrutiny—to be intentionally false or motivated by personal gain. Penal provisions, applied cautiously, discourage misuse without deterring genuine victims.

#### Enforce Neutral and Evidence-Driven Investigation Standards

Police and investigating agencies must follow standardized, gender-neutral guidelines that prioritize factual inquiry over assumptions. Mandatory training on unbiased investigation can prevent wrongful arrests and reduce the likelihood of cases being pursued solely on the basis of unverified allegations.

#### Mandate Professional Counselling / Mediation in Non-Violent Domestic Disputes

In marital or domestic conflicts where no immediate threat exists, early-stage counselling by certified professionals should be required. Such interventions often resolve misunderstandings, reduce emotional escalation, and prevent the criminal justice system from being used as a tool in personal disputes.

#### Increase Judicial Oversight and Scrutiny of Arrests

Courts should strictly monitor the use of arrest powers in matrimonial offences and ensure compliance with established guidelines such as the requirement of necessity, proportionality, and evidentiary basis. Judicial scrutiny serves as an effective safeguard against arbitrary or retaliatory arrests.

#### Establish Support Mechanisms for Men Facing False Accusations

Legal aid cells, psychological counselling, and grievance redressal platforms should be available to men who face demonstrably false allegations. Such mechanisms help reduce distress, encourage lawful remedies, and promote fairness within the justice system

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<sup>27</sup> AIR 2004 Mad.48; and V.k.dewan, "Law Relating to Cruelty towards and offences against husbands", Pg.no.-216 (Asia Law house, Hyderabad, 5th. edn. 2021) ISBN: 978-93-90227-30-3

<sup>28</sup> 2003 Cri. LJ 2759, 104 (2003) DLT 824.

<sup>29</sup> Criminal revision application no.226 of 2002; and Navin kr Agarwal & Manoj Agarwal, "Family Law: A Husband's Guide to Matrimonial Disputes", Pg.no. -62-64 (Notion Press, Chennai, 1st. edn. 2018) ISBN: 978-1-64429-129-0.