

CONJUGAL CONFLICT AND MISUSE OF MARITAL LAWS AGAINST HUSBAND

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Abstract—Marriage occupies a central position within Indian society and law, functioning not only as a personal relationship but also as a significant social institution. There are various provisions in law to deal with conjugal conflicts. In order to protect married women from domestic violence, dowry related harassment and other forms of matrimonial cruelty, the Indian legislature has enacted several protective laws, most notably Section 498A of the Indian Penal Code, 1860 (now substantially retained under Section 85 of the Bhartiya Nyaya Sanhita, 2023) and the Protection of Women from Domestic Violence Act, 2005. These enactments represent important milestones in the pursuit of gender justice and the protection of vulnerable individuals within marital relationships. Over the years, concerns regarding the misuse of matrimonial laws have emerged as a significant legal and social issue. Allegations of false complaints, arbitrary arrests, over implication of relatives and the strategic use of criminal proceedings during matrimonial disputes have generated considerable judicial and academic debate. Simultaneously, there has been growing recognition of instances where husbands may also experience emotional, psychological, economic, or social cruelty, despite the absence of explicit statutory protection in many areas of matrimonial law. This research paper critically examines the causes, consequences, and emerging instances of misuse of marital laws in India with particular emphasis on the experiences of husbands and their families.

Index Terms—Matrimonial Laws, Domestic Violence, Gender Justice, Misuse of Law, Cruelty Against Husbands, conjugal rights

I. Introduction

The word “Conjugal” means relating to marriage or relationship between spouses. Therefore the “Conjugal Conflicts” means disagreements, incompatibilities or emotional tension between legally married spouses arising from differences in expectations, communication, finances, family responsibilities, intimacy, parenting or other marital issues. There are specific laws in India which are providing their provisions for Restitution of conjugal right when there is conflict of Conjugal Rights such as Hindu Marriage Act 1955 under section 9, In Muslims either spouse can file a suit under General Muslim Law restitution of conjugal rights, The Christians can claim this under Indian Divorce Act 1869 under Sections 32 and Section 33, Parses are governed under Section 36 of Parsi Marriage and Divorce Act 1936 and The people married under Interfaith /Civil Marriages are governed by Section 22 of Special Marriage Act 1954. Under Indian matrimonial laws, actions that constitute a conjugal conflict revolve around the disruption of marital rights and duties. These actions allow the affected spouse to seek legal remedies such as the Restitution of Conjugal Rights, Judicial Separation or Divorce. **Chetan Bhagat’s** view on Marital Conflict is not just as domestic but as a clash of deeply rooted regional and cultural traditions in India. He explores the intense cultural struggles and prejudices between a Tamil and a Punjabi family that the young couple must navigate to sustain their conjugal relationship.¹

¹Bhagat C, *The Story of My Marriage* (Rupa Publications, 2009).

Anita Desai's view is focusing on the psychological factors, silence and emotional incompatibility between rational men and highly sensitive women. She portrays marriage as a suffocating institution due to modern stress and lack of spiritual communion. She explores the thematic problem of love in marriage, where communication barriers leave the female protagonist longing for a communion of spirit. The legal system is established to protect the rights and dignity of every individual in society.² Safeguarding of the rights of the women is not a problem but there is problem when these safeguarding provisions are misused against the husbands. There are many instances of arbitrary arrests on such fabricated police complaints. Sometimes the decisions of courts are adverse against the husbands without considering their position in present matter. Provisions dealing with cruelty, maintenance and domestic violence were intended to prevent exploitation and provide legal remedies to victims. Such legislation played a major role in promoting gender equality and social reform in India. But with changing of the time they became the weapon of exploitation of husbands because there are several instances of the judicial pronouncements which proved that the husband in such litigation was innocent, then what is the purpose of these safeguarding provisions, so there is the need of such legislations which can save the innocent husbands who faced such false litigations.

Conjugal conflict is as old as the institution of marriage itself. Throughout history marriage has served not merely as a personal relationship but also as social, religious, economic and legal institution. Differences between spouses concerning authority property, culture, inheritance, gender roles, sexuality, child-rearing and family obligations have generated conflicts across civilizations. As stated by Dr. Paras Divan that the remedy of restitution of conjugal rights was neither recognised by the Dharmashastra nor Muslim Law made Provisions for it. It came with the Raj.³ Restitution has its roots in Feudal England, where marriage was considered as a marriage property deal and Wife was as a men's possession like other chattels. In this case the concept of Restitution of conjugal rights firstly introduced in India where such actions were regarded as considerations for specific performance⁴. These developments are firmly grounded in constitutional principles, particularly Articles 14, 15, and 21 of the Constitution of India, which guarantee equality before law, non-discrimination, and protection of life and personal liberty.⁵ Flavia Agnes, in *Family Law and Constitutional Claims*,⁶ analyses the evolution of women's rights within Indian family law. She argues that legal protections against domestic violence and matrimonial cruelty emerged as necessary responses to historical discrimination and gender inequality. The author strongly supports legislative interventions designed to protect women from abuse within marriage. At the same time, she emphasises the importance of effective implementation and judicial sensitivity. The work remains one of the most influential contributions to feminist legal scholarship in India. While there is broad recognition of the necessity of protective legislation, concerns have been raised regarding procedural misuse in certain cases, including exaggerated allegations, over-implication of relatives, and strategic invocation of criminal provisions during matrimonial breakdown.⁷ We can see in general specially in modern times that women are taking unwanted advantages of their legal protections to mentally harass their husbands by making false allegations and fabricated complaints.

² Desai A, *In Custody Vintage Books* (Original work published, 1984).

³ Divan, Paras, *Law of Marriage And Divorce* 302 (Universal Law Publishing co., New Delhi, 5th edn., 2008).

⁴ *Moonshee Buzloor Ruheem v. Shumsoonissa*, (1867) 11 MIA 551.

⁵ The Constitution of India 1950, arts 14, 15 and 21.

⁶ Flavia Agnes, *Family Law and Constitutional Claims* (Oxford University Press, New Delhi, 2011).

⁷ *Preeti Gupta v State of Jharkhand*, (2010) 7 SCC 667.

II. Matrimonial Laws and their misuse

There are provisions of law through its legislations to protect the both spouses from exploitation, in old times the women considered as weak part of marital bound to strengthen them the provisions were inserted to protect them but in modern time they have equal rights in matrimonial relationship and now they are using their protection as weapon against husbands to fulfil their unjustified demands. Below are such legislations which are protective but we can observe from current situation that they have been misused against husbands although as result most of cases the husbands found innocent and the prosecution fails to prove husband's guilt but we can see that our current legislation is now making these laws gender neutral by noting that husbands can also be victims as same as wives and the wives can also be accused of violation of these protective legislations. These protective legislations have been many times misused by wives against their husbands to seek favour in other matrimonial proceedings.

The Domestic Violence Act 2005: This act was enacted to protect and safeguard the rights of the women as guaranteed by the Constitution, who have experienced the violence (both physical and psychological). The victims of the Domestic Violence Act can approach the court for protection orders, which protects the abuser from committing further acts of violence. But this act was misused by the women who filed false cases against their husband and their family members. These false cases are used to coerce the husbands and their relatives into making large financial settlements or paying alimony. However, it is essential to avoid framing misuse as a gendered counter-narrative that undermines the reality of domestic violence against women. Empirical studies indicate that women continue to be disproportionately affected by domestic abuse and protective legislation remains necessary.⁸ The challenge lies in acknowledging misuse without detracting from the broader objective of gender justice. Proponents of gender neutrality argue that social change, increased female economic participation, and evolving family structures have altered traditional patterns of vulnerability, making gender exclusive protection both under inclusive and potentially discriminatory. They contend that domestic violence and emotional cruelty can be experienced by any spouse.⁹

The Dowry Prohibition Act, 1961: The dowry system in India is an evil practice where the family of bride provides money, property, gifts to the bridegroom's family during the marriage. The Dowry Prohibition Act 1961 was enacted to prohibit this practice, however the women are frequently misusing this act against their husbands and relatives. Section 80 of the Bharitya Nyaya Sanhita, 2023 "Dowry Death" read with sec 118 of the Bhartiya Sakshya Adhiniyam, 2023 which talks about the "Presumption of the Dowry Death." In many cases it had been seen that the family and relatives of women filed false

⁸ National Crime Records Bureau, *Crime in India 2022* (Ministry of Home Affairs, Government of India, 2023) Table 3A.1, available at: https://www.data.gov.in/catalog/crime-india-2022?utm_source=chatgpt.com (last visited on 12th July.2026).

⁹ June Carbone, *Family Law* 42 (Foundation Press, New York, 2019).

case of dowry cases to extract money or property from the husband's family. Institutional inefficiencies within the legal system also play a role in facilitating misuse. Delays in investigation and trial, lack of specialised training for police and judicial officers, and limited access to mediation services can contribute to the escalation of disputes.¹⁰ In *JayedeeepsinhPravinsinhChavda v. State of Gujarat*, The Supreme Court held that ordinary matrimonial discord does not automatically amount to abetment of suicide. The Court emphasised that criminal liability requires proof of mens rea, direct instigation, and a clear causal connection between the conduct of the accused and alleged consequence.¹¹ The NCRB report in 2024 relating to Dowry Prohibition Act discloses that data of new cases reported 12,343 , cases ended as final report false 462 , Cases ended as mistake of fact/law or civil dispute 386, cases charge sheeted 10,781, court conviction rate 17.4% , cases pending trial at year end 83,298 , trial percentage 94.6% .¹²This report clearly shows that conviction rate is only 17.4% which shows that there is a demand of this time is to reframe the old laws or insert amendments in these laws according to current situation.

Section 498A of IPC (Sec 85 of BNS) : 498A section of Indian Penal Code is now has been replaced by section 85 of Bhartiya Nyaya Sanhita 2023 , both sections are same till now , section 86 of Bhartiya Nyaya Sanhita 2023 , defined the "cruelty" , this section is to protect the women from cruelty by husband , but in modern times the women is misusing this provision to take the beneficial settlement in the in divorce settlement proceedings. *Narendra v. K. Meena*,¹³ where the Supreme Court recognised that conduct causing severe mental agony and emotional suffering to a spouse may amount to matrimonial cruelty. Although the case arose in the context of divorce proceedings, it is significant because it demonstrates judicial willingness to recognise that cruelty may be experienced by either spouse. This reasoning supports the broader argument of the present study that matrimonial law must increasingly acknowledge the possibility of male victimisation without undermining protections available to women. The amendment thus introduced Section 498A into the Indian Penal Code as a special offence addressing cruelty within marriage, distinct from general criminal provisions on hurt or assault. The legislative intent was not merely punitive but protective aimed at deterring systematic abuse arising from entrenched gender hierarchies within the matrimonial household.¹⁴ This principle was highlighted in *Yashodeep BisanraoVadode v. State of Maharashtra*¹⁵The Supreme Court set aside a conviction under Section 498A IPC after finding that the prosecution had failed to establish specific acts of cruelty through credible evidence. The Court held that mere existence of matrimonial discord

¹⁰ P.K. Das, *Dowry Prohibition Act along with Maintenance and Related Laws*109 (Universal Law Publishing, New Delhi, 2022).

¹¹ (2025) 2 SCC 116.

¹²National Crime Records Bureau, *Crime in India 2024*, Vol. II, Ministry of Home Affairs, Government of India, Chapter 3: Crime Against Women, Tables 3A.8 and 3A.9 (Dowry Prohibition Act, 1961), available at: <https://www.ncrb.gov.in> (last visited July 19, 2026).

¹³ (2016) 9 SCC 455.

¹⁴ Law Commission of India, "91st Report on Dowry Deaths and Law Reform" paras 1.6–1.9 (1983).

¹⁵ SCC OnLine SC 2989.

cannot substitute proof of criminal conduct and that every accused must be individually connected to the alleged offence through evidence. In the Delhi district Court RTI data for 2021-2024 shows that out of 23 out of 9,950 Section 498A cases reported ended in conviction. That means roughly 0.23% resulted in conviction and around 99.77% didn't result in conviction in that dataset, Cases Quashed by Delhi High Court 4, 655, acquittals 736.¹⁶ So as result mere 0.23% was convicted shows that there was innocent males and their families in such cases who faced such harassment without any fault.

Alimony and Maintenance: Although the Hindu Marriage Act 1955 and the Hindu Adoption and Maintenance Act 1956 are perhaps the most commonly invoked in maintenance disputes among Hindus, several other laws cover parallel ground for different communities and general scenarios. The Special Marriage Act 1954, for instance, has its provisions on alimony (Sections 36 and 37). In *K. Srinivas v. K. Sunita* the Supreme Court of India ruled that knowingly filing a false criminal complaint against a spouse and their family constitutes mental cruelty, which serves as valid grounds for divorce. Even a single false complaint is legally sufficient to establish matrimonial cruelty.¹⁷ Bengaluru Techie Atul Subhash's Suicide Case, Perhaps the most troubling instances are those in which the alleged financial and psychological pressures culminate in the ultimate tragedy suicide. As recounted in one of the articles, Bengaluru techie Atul Subhash left behind a 90-minute video and a 24-page note detailing how demands for a substantial divorce settlement, cited as INR 3 crore, coupled with constant harassment, allegedly drove him to take his own life. His family members have since claimed that the child was also being used as leverage, thereby adding further emotional strain on him. Whether or not the demands were unreasonable remains to be established conclusively in court, but the situation underscores the severe mental health implications that these disputes can carry for husbands who feel, rightly or wrongly, that they have no viable escape.¹⁸

¹⁶ Debate Over 498A Misuse Grows Louder, The Times of India, June 15, 2025 (reporting RTI data obtained from five Delhi district courts showing that only 23 out of 9,950 Section 498A cases resulted in conviction), available at: <https://timesofindia.indiatimes.com/city/delhi/debate-over-498a-misuse-growslouder/articleshow/121855255.cms> (last visited July 19, 2026).

¹⁷ (2014) 16 SCC 34

¹⁸ 'Techie Atul Subhash Death: Bail Granted to Wife, In-laws Under Condition of Availability for Trial' Indian Express (07 January 2025)

<https://indianexpress.com/article/cities/bangalore/techie-atul-subhash-death-bail-granted-to-wife-in-laws-under-condition-of-availability-for-trial-9763649/> visited 13th July 2026

III. Understanding of Matrimonial Disputes

The conjugal conflicts under matrimonial legislation includes actions such as withdrawal from Society (Desertion) A spouse voluntarily and intentionally abandons the other without a reasonable excuse and against their will, Leaving the matrimonial home, cutting off all communication and the conscious failure to fulfil basic marital obligations (like providing maintenance or companionship). Under the Hindu Marriage Act, this abandonment must be continuous for a period of at least two years immediately preceding the legal petition. Cruelty is the behaviour that causes reasonable apprehension in the mind of the other spouse that it is physically or mentally harmful /unsafe to live together. Physical Cruelty: Direct use of physical violence, causing bodily injury or assault. Mental Cruelty: Continuous psychological harassment, unfounded accusations of infidelity, constant insults, preventing a spouse from having children, or forcing any spouse into degrading living conditions. Withdrawal of Conjugal Rights When either spouse withdraws from the society of the other without "sufficient cause" or a reasonable excuse. Denying marital companionship, refusing to share a household, or deliberately avoiding sexual relations without a valid medical or legal reason. The aggrieved party can file a petition for the Restitution of Conjugal Rights (e.g., Section 9 of the Hindu Marriage Act), requesting the court to order the spouse to return. Marital Misconduct (Adultery) Voluntary sexual intercourse with any person outside of the marriage. This constitutes a severe violation of the marital contract and is a primary ground to seek a divorce across all personal laws. Domestic Violence & Harassment Broader conflicts defined under the Protection of Women from Domestic Violence Act, 2005 Economic abuse (refusing to support the household), emotional abuse (verbal insults), and dowry harassment. In *Ajaye Singh v. Priyanshu Singh* the husband instituted a civil suit under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights. While the matter was pending, both parties arrived at an amicable settlement agreement, ultimately moving to part ways by mutual consent with permanent alimony awarded to the wife. The RCR petition was thereby disposed of in the context of the mutual separation settlement.¹⁹

IV. Role of Judiciary

The Supreme Court of India has consistently upheld the constitutional validity and social necessity of gender-specific matrimonial offences, recognising them as essential instruments for addressing systemic domestic abuse within marriage.

At the same time, the judicial reasoning in such cases reflects an implicit acknowledgment of the misuse debate, particularly from the perspective of husbands and their families. While upholding the validity of Section 498A, courts have recognised that its application must be carefully scrutinised to prevent unjust consequences arising from false or exaggerated complaints.²⁰ This dual recognition of both the necessity of protection and the possibility of misuse forms the foundation of the judicial approach to matrimonial offences.

Thus, the judicial recognition of the social necessity of matrimonial laws is accompanied by a parallel emphasis on their careful and balanced application. The courts have consistently affirmed that while such laws are indispensable for addressing domestic violence and structural inequality, their legitimacy depends on their fair and proportionate use. This balanced approach is particularly relevant in the

¹⁹ 2025 SCC OnLine SC 646

²⁰ Law Commission of India, "243rd Report on Section 498A IPC" (2012).

context of the research paper theme, as it highlights how the judiciary navigates the tension between protecting victims and addressing allegations of misuse against husbands.

In *Dara Lakshmi Narayana v. State of Telangana*,²¹ the Supreme Court reiterated that vague and generalized allegations against in-laws cannot justify criminal prosecution. The Court observed that the tendency to implicate multiple relatives without specific accusations constitutes an abuse of the criminal justice system and undermines the credibility of genuine complaints. The judgment demonstrates the judiciary's commitment to balancing victim protection with safeguards against indiscriminate prosecution. Another important objective of the new criminal law regime is to ensure that criminal liability is imposed only on the basis of reliable evidence and established legal standards. Matrimonial disputes often involve emotional allegations, making evidentiary scrutiny particularly important. This observation is significant as it marks a judicial acknowledgment that the misuse of matrimonial laws can undermine their legitimacy and effectiveness. By highlighting this risk, the Court emphasised the need for careful and responsible application of such provisions. In *KahkashanKausar v. State of Bihar*²², the court further held that vague and omnibus allegations cannot sustain criminal prosecution, reinforcing the principle of fairness in matrimonial litigation. At a socio-legal level, the recognition of misuse aligns with concerns that matrimonial laws may be employed as bargaining tools in disputes involving marital breakdown. The use of criminal proceedings to secure favourable outcomes in matters of maintenance or divorce reflects a shift from protection to strategic litigation.²³ Thus, the judicial acknowledgment of misuse represents a critical development in matrimonial law jurisprudence.

V. Causes of Misuse of Marital Laws

The misuse of matrimonial laws in India is not a product of a single factor but rather the result of a complex interplay of legal, social, economic, and psychological dynamics in conjugal conflicts and misuse of the protective marital provisions against husbands. Understanding these causes is essential for developing a balanced legal framework that preserves the protective intent of the law while preventing its abuse. This section analyses the principal causes contributing to the misuse of marital laws, particularly in the context of allegations against husbands and their families.²⁴ Cause of misuse is the breakdown of marital relationships. Matrimonial disputes often arise from incompatibility, communication failures, financial stress, or interference by extended family members. When such conflicts escalate, parties may resort to legal action as a means of asserting control or seeking redress.²⁵

²¹ (2025) 3 SCC 735.

²² *KahkashanKausar v. State of Bihar* (2022) 6 SCC 599.

²³ Conjugal Conflict and Marital Discord in Indian English Novels, available at: 10.53032/tvcr/2025.v7n3.18 (last visited on March 20, 2026).

²⁴ Liz Kelly, *Surviving Sexual Violence* 134 (Polity Press, Cambridge, 2016).

²⁵ Kawaljit Singh Bhatia, *False Matrimonial Cases: Law, Strategy & Defense* 78 (Self-published, New Delhi, 2024).

In this process, criminal provisions such as Section 498A IPC may be invoked not solely for protection but as instruments of retaliation, especially when reconciliation appears unlikely. Another significant cause is the use of criminal law as a bargaining tool in matrimonial negotiations. In many cases, complaints under Section 498A IPC or the Protection of Women from Domestic Violence Act, 2005 are filed to gain leverage in related proceedings such as divorce, maintenance, or child custody.²⁶ In the NCRB report of 2024 under cruelty new cases reported was 1,20, 227, Cases were ended as final report was false 4, 593, cases were ended as mistake of fact /law or civil dispute 3,459, cases of charge – sheeted were 1,08,574, cases were of pending investigation at year end 45,011, Court conviction rate was mere 20.1 % , cases pending trial at year end were 8, 54, 798, Trial pending percentage 92.25% .²⁷

VI. Consequences of Misuse of Marital Laws

The misuse of matrimonial laws in India has far-reaching consequences that extend beyond the immediate parties to the dispute. While protective legislation such as Section 498A IPC and the Protection of Women from Domestic Violence Act, 2005 serves an essential social purpose, its misuse can generate significant legal, social, psychological, and economic repercussions. These consequences must be understood in a holistic manner to appreciate the broader impact of misuse on individuals, families, and the legal system. The evolution of this legislative framework was preceded by extensive policy deliberations and empirical research. Reports by governmental and independent bodies highlighted the need for a more inclusive approach that recognises diverse victim experiences.²⁸

Closely linked to the issue of personal liberty is the reputational damage suffered by the accused. Allegations of cruelty or domestic violence carry significant social stigma, particularly in a society where family reputation holds considerable importance.²⁹ The psychological and emotional consequences of misuse are equally significant. Individuals facing false or exaggerated allegations may experience stress, anxiety, depression, and a sense of helplessness.³⁰

²⁶Soumi Chatterjee, *Dowry Laws and its Misuse in India*205 (Iterative International Publishers, Noida, 1st edn., 2020).

²⁹Nitish Banka, *Pay or Fight? The Truth About Maintenance Laws in India*194 (BlueRose Publishers, New Delhi, 2025).

²⁷National Crime Records Bureau, Crime in India 2022, Vol. II, Ministry of Home Affairs, Government of India, Chapter 3 (Crime Against Women), Tables 3A.8 and 3A.9, available at:<https://www.ncrb.gov.in>(last visited July 19, 2026).

²⁸ House of Commons Home Affairs Committee, “Domestic Abuse” (Twelfth Report of Session 2017–19, HC 1015, House of Commons, London, 2018) para 45.

²⁹ Justice for Men Law Team, *False Case Survival Guide: IPC 498A, CrPC 125 & DV Act*432 (Kindle Direct Publishing, Seattle, 2024).

³⁰ S.S. Gill, "Abuse of Matrimonial Laws by Wife and Role of Judiciary in Preventing Cruelty Against Husband: An Analysis" *ResearchGate* (2024).

VII. Current Scenario in India

In recent years, India has witnessed growing debate regarding the alleged misuse of certain matrimonial and gender-specific laws against husbands and their families. Laws such as Section 498A of the Indian Penal Code (now Section 85 of the Bhartiya Nyaya Sanhita), the Dowry Prohibition Act, and provisions under the Domestic Violence Act were enacted to protect women from cruelty, harassment, and dowry related abuse. However, courts, legal experts and social organizations have increasingly raised concerns about the misuse of these laws in matrimonial disputes against husbands. The Supreme Court of India has repeatedly acknowledged that while these laws are essential for protecting genuine victims, false or exaggerated complaints can lead to unnecessary harassment of husbands, elderly parents and relatives. In several judgments, the Court observed that vague allegations without specific evidence should not be allowed to continue as criminal prosecution. Recent judicial observations indicate a balancing approach. The courts are emphasizing safeguards against misuse in context of husbands and their families. The Supreme Court has stressed that indiscriminate implication of the husband's entire family damages the credibility of protective laws and burdens the criminal justice system. In this time Indian judiciary is carefully deciding such cases so that there is protection of innocent husbands. The approach of Indian judicial system now days to prevent the misuse of matrimonial laws against husbands. Another important objective of the new criminal law regime is to ensure that criminal liability is imposed only on the basis of reliable evidence and established legal standards. Matrimonial disputes often involve emotional allegations, making evidentiary scrutiny particularly important.

VIII. Critical Analysis of Misuse of Marital Laws with other Countries

Several countries including the UK, USA, Canada and Australia have gender neutral domestic violence laws, recognizing that men can also be victims. In India, there have been increasing calls for such reforms, supported by NGOs and men rights organizations.

The UK adopts a largely gender- neutral approach to domestic abuse laws. The enactment of the Domestic Abuse Act 2021 marks a significant legislative milestone, reflecting a shift toward a gender - neutral and victim centric model of protection. It has features like both husbands and wives can be victims or accused person. False complaints may attract criminal liability for perjury or wasting police time. Courts evaluate evidence before imposing severe restrictions. The UK experience suggests that gender neutrality must be complemented by targeted support mechanisms, such as specialised services for victims and awareness programs addressing gender-based violence. These measures help to ensure that the legal framework remains responsive to the needs of vulnerable groups while maintaining inclusivity.³¹

In **United States** the Domestic violence laws are generally gender neutral, this system has features like protective orders are available irrespective of gender. The constitutional framework of United States

³¹ Women's Aid Federation of England, "Annual Impact Report 2022" (Women's Aid, Bristol, 2022) p. 14.

places significant emphasis on due process rights, particularly under **Fifth** and **Fourteenth** amendments. The principle of due process a fair hearing before being deprived of liberty or property. False statements under oath may lead to penalties. Family courts often scrutinize allegations before determining custody and visitation rights. **Canada** recognizes Domestic violence and coercive control irrespective of gender. It assumes the features like Equal protection for men and women. Provincial family law statutes play a crucial role in regulating matrimonial disputes and providing protective remedies. These laws typically include provisions for restraining orders, exclusive possession of matrimonial home and child custody arrangements. A defining feature of the Canadian approach is strong to equality and human rights, as enshrined in Canadian Charter of Rights and Freedom, Section 15 of charter guarantees Equality before law and equal protection without discrimination, While Section 7 protects the right to life, liberty and security of the person. **Australia** has gradually moved toward a gender – inclusive understanding of family violence. The Family Law Act 1975 serves as the cornerstone of matrimonial regulation, while, state regulation provides for protective orders and sanctions. Australian legal approach is gender neutral, law applies to all individuals and it also recognises male victims. From this critical analysis the mentioned countries have shown a growing trend towards gender-neutral laws and prevention of misuse of marital laws against husbands with stronger safeguards against false allegations in matrimonial disputes.

IX. Conclusion & Suggestions

It is also observed that as result of conjugal conflicts and misuse of matrimonial legislation against husband was compelled to commit suicide and his family had to face the insult and reputational damage. Judicial experience and socio-legal scholarship have increasingly drawn attention to instances where matrimonial laws are alleged to have been misused, particularly in ways that adversely affect husbands and their families. Such concerns do not negate the necessity of these laws but instead highlight the inherent tension between empowerment and protection on one hand and procedural fairness and due process on the other. With changing of time the protective laws have been misused against husbands by their wives. The legislature is well aware about this misuse of marital laws and also tries to take appropriate steps to control these gender biased legal cases. In *GhanshyamSoni v. State (NCT of Delhi)*³²The Supreme Court quashed criminal proceedings after finding that the allegations against the husband and his relatives were vague, omnibus and unsupported by specific particulars. The Court observed that criminal law cannot be allowed to operate as a tool of harassment and that prosecution must be based on specific and credible allegations. Empirical observations such as

³² 2025 SCC OnLine SC 1301.

low conviction rates, high rates of acquittal and increasing pendency in cruelty cases have further intensified debate regarding the proportionality and fairness of existing legal frameworks.³³

Strengthening procedural safeguards in matrimonial offences is one of the most critical reforms required to ensure a fair and balanced criminal justice process in India. Strengthening of mandatory pre-litigation mediation is a crucial reform that can significantly transform the handling of matrimonial disputes in India. Matrimonial conflicts often arise not purely from criminal intent but from emotional breakdowns, communication gaps, financial stress and interpersonal incompatibility. In such situations, immediate resort to criminal litigation tends to intensify hostility rather than resolve underlying issues. Police officers should be mandated to undertake a genuine preliminary assessment of allegations before initiating any coercive action. This includes careful verification of the complaint, assessment of evidence and consideration of whether arrest is truly required for investigation or prevention of further harm. A significant reform would be the establishment of Family Justice Centres at the district level to deal exclusively with matrimonial and domestic disputes. Recognition of more gender neutral civil remedies according to this modern time. The comprehensive national protocol should therefore be developed for the investigation of matrimonial offences. In *Dara Lakshmi Narayana v. State of Telangana*,³⁴ the Supreme Court reiterated that vague and generalized allegations against in-laws cannot justify criminal prosecution. The Court observed that the tendency to implicate multiple relatives without specific accusations constitutes an abuse of the criminal justice system and undermines the credibility of genuine complaints.

³³ National Crime Records Bureau, *Crime in India 2022: Statistics* (Ministry of Home Affairs, Government of India, 2023) Tables on Cruelty by Husband or Relatives (s.498A IPC), available at: https://www.data.gov.in/catalog/crimeindia-2022?utm_source=chatgpt.com (Last visited on April 13, 2026). ³⁷(2025) 3 SCC 735.

³⁴ (2025) 3 SCC 735.

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