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Phone : +91 94896 71437 – [info@iledu.in](mailto:info@iledu.in) / [Chairman@iledu.in](mailto:Chairman@iledu.in)



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## SAFEGUARDING WOMEN THROUGH LAWS (BEING ARBITRARILY MISHANDLED)

**AUTHOR – ANAMTA ASIF\* & PARAS PRADHAN\*\***

\* BA. LLB (9<sup>TH</sup> SEMESTER), MAHATMA JYOTIBA PHULE ROHILKHAND UNIVERSITY,

\*\* B.SC., LL.B., LL.M., AOR HIGH COURT, LUCKNOW BENCH- LUCKNOW.

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### ABSTRACT

Society is formed by a woman and a man stated from the evidences of ancient era to the present. Both of them have their separate responsibility and separate role that they have to perform for each other. But historically women have been kept submissive and were given unequal treatments and unfair verdicts by the society itself as per the evidences from later Vedic era. Their character, chastity and leadership have been snatched off and ripped off and now the women are turning towards the empowerment and are given their rights and responsibility which was once taken. Many legislations have been passed specially for women to provide security and equality of which once they were victims. Now somewhere some females are now misusing the laws to the fullest and entitled to be perpetrator towards a man and his family as well. In this paper it has been described that how the evolution of female laws had been made and how they are being greatly misused resulting in a fear within the society specially among men.

**Keywords.** Quran, Vedas, Indus Valley, Industrial, Conventions, Legislations, Sati, Laws.

### 1. INTRODUCTION-

In India a female is known as **stree, naari, mahila, aurat, kanya** and by many other names. She holds a significance and has been worshipped and protected since Indus valley civilization to present era. Women have been contributing from historically till now, be it a fight for independence or the industrial revolution to the implementation of women related legislations. Women have been compared with the female goddesses described in the Hindu scripture and this denotes the authority and the gravity she holds. Women have gone through countless changes from the Ancient India to Modern India in terms of social laws, religious laws, property laws, marriage laws, personal laws and many more. From the laws that protect them to the same laws now being arbitrarily misused. The laws

which were introduced to provide them safety and now the same laws on which more than half of the cases are registered as fraud and defamation cases. The ahead details shall provide what and how this all started.

### 2. HISTORICAL ATTEST OF WOMEN AND WOMEN RELATED LAWS

#### 2.1 A WOMAN'S STATUS DURING ANCIENT PERIOD-

The figurines found from the Indus valley civilization such as Terracotta figure with a headdress of flowers (3000 BC), Dancing girl of Mohenjo-Daro. Not the proper evidences are discovered that states the importance except the scriptures.

In Vedic era, a period in which the sacred texts 'Vedas' were formed and where women were given the utmost respect and

were the essential part of the society as well as religion. Females were required in every ceremony as an essential part without her no ceremony was commenced. The laws were derived from customs and traditions, the ancient scriptures such as the husband and wife shall be joint owners of the household property.

But in Later Vedic era women were deprived off, of their liberty and responsibility, their right to study and right to recite mantras were considered useless and were given title of indisposable devotion to their husbands. If in household a girl was born then she was immediately killed and buried so that the family won't be ashamed of the girl child being born. Women were directed to adapt the 'pardah' system<sup>961</sup> where she has to cover herself. Moreover, in later Vedic era women were oppressed and the emergence of sati which was a customary practice among Hindus for a very long time in which women had to immolate herself on her husband's funeral pyre in Vedic era was imposed forcefully in later Vedic era which was amounted to murder.

## **2.2 A WOMAN'S STATUS DURING MEDIEVAL PERIOD-**

When the Muslim rulers invaded India, they brought Islamic laws with them which resulted in acceptance to Indian society and from there the Islamic laws<sup>962</sup> were introduced to India. The main sources of law<sup>963</sup> introduced were the Quran and the Hadis (sayings of prophet or what he himself did), another source of law included Ijma and Qiyas. The Holy Quran mentions that women have the rights similar to those of men 2:228, this denotes the principle of

<sup>961</sup> Baydahi Roy, *Women's empowerment in India, from ancient period to modern time period*, The Times of India (Reader's Blog), available at <https://timesofindia.indiatimes.com/readersblog/scatteredthoughts/womens-empowerment-in-india-from-ancient-period-to-modern-time-period-46689/> (last visited Aug. 4, 2025).

<sup>962</sup> Ms. Manisha Rani & Dr Seema Parihar, "Analysis of Legal Rights of Women during Medieval Period" (2021) 12 *Turkish Online Journal of Qualitative Inquiry* 5152-5154. [Turkish Online Journal of Qualitative Inquiry, 2021, Vol 12, Issue 5, p5151](https://www.turkishonlinejournalofqualitativeinquiry.com/index.php/TOJQI/article/view/5151)

<sup>963</sup> Dr. Rahul Tripathi, 'An Analysis of Judicial System in Medieval India (with Reference to Criminal Justice System)' (2018) 3 *International Journal of Current Research and Modern Education*. [https://ijcrme.crystalpen.in/uploads/67caa005db9f1\\_275.pdf](https://ijcrme.crystalpen.in/uploads/67caa005db9f1_275.pdf)

reciprocity for each other. Women were given rights directed by the Quran and Sunnah that included equal rights as men in marriage also the marriage was supposed to be consensual and be done freely on her will which means the marriage shall be void if is done in coercion and in divorce, she is free to take khula (ask for divorce) and is free to remarry to whom she wants to, also can be included other formalities related to marriage. The employment laws and in the criminal laws females received less punishment and leniency in terms of trials.

There were 4 main schools as well which included **HANAFI, MALIKI, SHAFI & HANBALI** which were introduced in India. Property (movable and immovable) attainment rights were also given but distinctive. The property rights faced many critiques as the shares were not equal between male and female.

## **2.3 A WOMAN'S STATUS POST- MEDIEVAL PERIOD-**

The arrival of Britishers made Indians adoptive to western culture and the female education was skeptical and nominal. Many social taboos were abolished during the British era some<sup>964</sup> of them were the abolition of sati by Raja Ram Mohan Roy under the Governor-General William Cavendish-Bentinck in 1829, Opening of a girl's school was done in the year 1848 by Jyoti Rao Phule and Savitribai Phule, legislation related to the prevention of female infanticide was released as The Female Infanticide Prevention Act, 1870, formation of All India women's conference was established in the year 1927.

## **3. MAJOR INTERNATIONAL LAWS FOR WOMEN'S PROTECTION**

Women has given the enormous amount of contribution be it prior-independence or the post-independence. In today's era women have been participating in various fields such as mass media, news, professional expertise, judiciary and law, space stations and projects,

<sup>964</sup> Karishma Sen, "History Of Women's Rights In India: Evolution Of Women's Rights In India" (9 August 2021) *Her Circle* 01-03. <https://www.hercircle.in/engage/get-inspired/achievers/a-brief-history-of-women-rights-freedom-and-gender-equality-in-india-1071.html>

defence, politics, culture, education, literature and many more. Women empowerment have been proved as a powerful weapon in uplifting from the worst history to the best history the social laws were supposed to kill women but the current laws are women centric and strict so that history won't be repeated. There are many international laws for providing the social security to women and to safeguard their personal rights. Some of them includes-

### **3.1 UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR) 1948-**

The adoption of UDHR in the year 1948 let to entitlement of equal rights of women and men. Without any distinction on the basis of sex. This also eliminated all kinds of social taboo in the society regarding women which has to be applied all over the world. Society degraded women and their rights in both public and private spheres. By that time female feticide, child marriage and misogyny were spread like a flu.

### **3.2 UN CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION- AGAINST WOMEN NEW YORK, 18 DECEMBER 1979<sup>965</sup>-**

It was adopted by UNGA to eliminate all kinds of social biasness against a woman. It focused on the promotion of women's rights. It focused on the preamble and following Article 1 regarding no discrimination related to sex in any field by anyone, Article 3 focusing on the development and advancement of women along with a guarantee to enjoy the human rights equally as men. Apart from this, women had the right of reproduction by their consent, freely decide the age gap between children, elimination of stereotypes and many more rights are emphasized under this convention.

### **3.3 UN DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN-**

It was implemented by the UN General Assembly in 1993, for the urgent need of

<sup>965</sup> UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women* (adopted 18 December 1979, entered into force 3 September 1981).  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

protecting women in terms of liberty, equality, integrity and equality of genders specially for women. Article 1 of the same any act done against the person publicly or privately resulting in physical, psychological or sexual harm including the act of threat or coercion.

### **3.4 CONVENTION ON THE NATIONALITY OF MARRIED WOMEN 1958<sup>966</sup>**

It was passed on January 29, 1957 by the United Nations General Assembly. It is recognized on the basis of Article 15 that everyone has the right to get nationality and that person should not be deprived of the same or be denied to get one. Also, the wife is free to acquire the nationality of her husband by getting in so basic steps related to details and formalities. This treaty also addresses the marital issues such as divorce or the change of husband's nationality to not affect hers. Currently it has 75 parties connected to it.

### **3.4 CONVENTION ON POLITICAL RIGHTS OF WOMEN 1953-**

It was issued and approved by the United Nations General Assembly when the 409<sup>th</sup>

Plenary meeting was held on December 20, 1952 and later got adopted on March 31, 1953<sup>967</sup>. There are several provisions regarding women in the political field some of the major provisions includes<sup>968</sup> women's right to vote, eligible for the election and women's entitlement to hold and exercise all the public offices established by the national law without any discrimination.

### **4. CHRONOLOGICAL LIST OF LEGISLATIONS INCLUSIVE OF WOMEN PRIOR AND AFTER INDEPENDENCE**

There are certain laws some gender neutral and some women friendly that secure the rights and

<sup>966</sup>UN General Assembly, *Convention on the Nationality of Married Women* (adopted 20 February 1957, entered into force 11 August 1958) Vol. 2  
[https://treaties.un.org/doc/treaties/1958/08/19580811%2001-34%20am/ch\\_xvi\\_2p.pdf](https://treaties.un.org/doc/treaties/1958/08/19580811%2001-34%20am/ch_xvi_2p.pdf) (last visited at March 05, 2025)

<sup>967</sup> European Union – Eastern Partnership & Eastern Neighbours East, “Women's Rights and International Law (published online 2024) *Young European Ambassadors Blog*  
<https://eunighbourseast.eu/young-european-ambassadors/blog/womens-rights-and-international-law/> last visited at March 05, 2025)

<sup>968</sup> United Nations General Assembly, *Convention on the Political Rights of Women* (adopted 31 March 1953, entered into force 7 July 1954)  
[https://treaties.un.org/doc/treaties/1954/07/19540707%2000-40%20am/ch\\_xvi\\_1p.pdf](https://treaties.un.org/doc/treaties/1954/07/19540707%2000-40%20am/ch_xvi_1p.pdf) last visited at March 05, 2025)

security of women implemented by the government, some of them are as follows<sup>969</sup>–

- Divorce Act, 1869.
- Married Women's Property Act, 1874.
- Guardians and Wards Act, 1890
- Indian Succession Act, 1925.
- The Child Marriage Restraint Act, 1929.
- Industrial Disputes Act, 1947.
- The Factories Act, 1948.
- Hindu marriage Act, 1955.
- Hindu Succession Act, 1956.
- The Immoral Traffic (Prevention) Act, 1956.
- Hindu Minority and Guardianship Act, 1956.
- Women's and Children's Institutions (Licensing) Act, 1956.
- The Dowry Prohibition Act, 1961.
- Maternity Benefit Act (MBA), 1961.
- Indian Divorce Act, 1969.
- The Medical termination of Pregnancy Act, 1971.
- Equal Remuneration Act (ERA), 1976.
- The Indecent Representation of Women (Prohibition) Act, 1986.
- Muslim Women (Protection of Rights on Divorce) Act, 1986.
- Legal Services Authorities Act, 1987.
- The Commission of Sati (Prevention) Act, 1987.
- Indecent Representation of Women (Prohibition) Act, 1989.
- The National Commission for Women Act, 1990.
- Protection of Human Rights Act, 1993.
- The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.
- Protection of Women from Domestic Violence Act, 2005.
- The Prohibition of Child Marriage Act, 2006.
- Protection of Children from Sexual Offences Act (POCSO), 2021.
- The Sexual Harassment of Women at Workplace (PREVENTION, PROHIBITION and REDRESSAL) Act, 2013.

- The Companies Act, 2013.
- The Criminal Law (Amendment) Act, 2013.
- Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- Muslim Women (Protection of Rights on Marriage), 2019.
- Surrogacy (Regulation) Act, 2021.
- Bharatiya Nyaya Sanhita (BNS), 2023.
- Bharatiya Nagrik Suraksha Sanhita, 2023.
- Maternity Benefit (Amendment) Act, 2023.
- Constitution (106<sup>th</sup> Amendment) Act, 2023.
- Sexual Harassment of Women at Workplace (Amendment) Act, 2023.
- Uniform Civil Code Uttarakhand Act, 2024.

#### 5. MISUSE OF FEMALE LAWS

In India, the society is still patriarchy and there is a belief that women are more law abiding and are prone to less crime<sup>970</sup>. But now the roles are reaching quality and laws that were meant for female protection are now been greatly misused. There are major sections under Bharatiya Nyaya Sanhita, 2023 that are filed within the district courts specially some of the laws being misused are as follows–

1. **Rape**– Section 63 of Bharatiya Nagrik Suraksha Sanhita, 2023 states about the law related to women only. Rape as an immoral act done against the will of a women and the consent is taken fraudulently or under pressure. But in today's era more than half the cases registered are fraud and misleading resulting in lengthy cases and that's why men are fearing more from such cases. Moreover, it was stated by the Hon'ble Justice B.V. Nagarathna and Hon'ble Justice Nongmeikapam Kotiswar Singh had stated that if the relationship was consensual and was with the longer duration without any kind of protest and insistence by the female partner does not make the relationship based on false

<sup>969</sup> Personal Laws Related, *Legislative Department- India*, Personal Laws Related : Page 2 , available at <https://legislative.gov.in/personal-laws-related/page/2/> (last visited at March 05, 2025)

<sup>970</sup> Anamta Asif & Paras Pradhan, "The Concept of Criminal Justice (Delinquencies & Reformation)" *Journal of Legal Studies*, vol.11, Issue I, January 2023, p 76, available at [https://journaloflegalstudies.co.in/Archive\\_Data/Vol.%2011,%20Issue%20I,%20January,%202023.pdf](https://journaloflegalstudies.co.in/Archive_Data/Vol.%2011,%20Issue%20I,%20January,%202023.pdf) (last visited at March 05, 2025)

promise to marry by the male itself and wholly based on the misconception of facts and with this the Rape case was quashed.<sup>971</sup>

2. **Domestic Violence Act, 2005** – Historically women faced physical violence from her husband and her in-laws in the name of dowry also known as bride price. But now the gender is reversed, women are suffering even today as well but some females are threatening their in-laws and pertaining physical harm in the shade of this act specially those who are committing adultery and in greed of attaining property.
3. **Cruelty against women**– Cruelty means the circumstances formed by any person that drives the other likely to commit suicide or any grave injury to the life, limb, or health, can be both mental and physical. But now this section is being misused by some women against any person.
4. **Dowry death**– many fake cases are registered as dowry death of female even those cases involving unnatural death or untimely death of a married women. The punishment for the same is no less than 7 years which can be extended up-to life imprisonment. Also, the husband or relatives are considered to be culprits as per section 80 of BNS,2023.
5. **Sexual intercourse by deceitful means**– As per Section 69, if a man does sexual intercourse by deceitful means inclusive of promising her to marry and then declines the same, he is liable of 10 years of imprisonment and fine . This is also misused heavily by some women

because here the consent might have conducted with her own will.

6. **False Intention to Marry**– As per section 69 of BNS,2023 if a man has physical relationship with a woman making a false promise or deceitful means to marry without fulfilling the same intention then in such case he shall be provided with the imprisonment of up-to 10 years with fine. In such case the complainant should prove that he did the same with text messages or calls, photographs or videos. Witnesses are also fine who hears the promise and any medical history of abortion is also acceptable along with any pregnancy reports.

## 6. COURT'S VERDICT ON FAVOUR AND AGAINST FEMALE PROTECTIVE LAWS

### 6.1 PRE-MISUSE AND POST MISUSE

♦ **Neera Mathur v. Life Insurance Corporation of India and Another (1991)**<sup>972</sup>  
**Bench – Justice K Jagannath Shetty and Justice Yogeshwar Dayal**

Petitioner was stated to go for a medical examination under formalities to be fit for the job. After the successful completion of the training she was selected and appointed as Assistant in the corporation and received letter dated 25 September, 1989 and was under a probation period for 6 months. She took leave on 9 December 1989 till 8 March 1990 and after on for medical leave and provided medical certificate as well. She was dismissed on the ground that she gave a false declaration regarding her menstruation date resulting in suppression of the pregnancy. The Supreme Court stated that the declaration provided in the contract was embarrassing and evaded the maternity benefits to a female employee by rejecting her if she is pregnant to work.<sup>973</sup>

<sup>971</sup> Riya Rathore, “Longer Duration Of Physical Relationship Without Protest Insistence On Marriage Indicates Consensual Relationship: SC Quashes Rape Case” Verdictum, 26 Nov. 2024, 7:30 AM., available at: <https://www.verdictum.in/court-updates/supreme-court/mahesh-damukhare-v-state-of-maharashtra-2024-insc-897-longer-duration-of-physical-relationship-without-protest-indicates-consent-1559203> (last visited at March 05, 2025)

<sup>972</sup> Mrs. Neera Mathur v. Life Insurance Corporation of India & Anr. AIR 1992 SC 392 [https://clpr.org.in/wp-content/uploads/2024/12/10/Neera\\_Mathur\\_vs\\_Life\\_Insurance\\_Corporation\\_of\\_India0301s920382COM105550.pdf](https://clpr.org.in/wp-content/uploads/2024/12/10/Neera_Mathur_vs_Life_Insurance_Corporation_of_India0301s920382COM105550.pdf) (last visited at March 05, 2025)

<sup>973</sup> Anadi Tewari, “International Women’s Day 2024: 24 Supreme Court Judgements That Shaped the contours of Women’s Rights in India” Bar and Bench, March 08, 2024, 2:08 AM., available at

♦ **Mary Roy and Others v. State of Kerala and Others (1986),**

In this case, Chief Justice PN Bhagwati and Justice RS Pathak stated that the laws of inheritance as per the laws of The Travancore Christian Succession Act, 1916 were unconstitutional because of discrimination and no gender equality<sup>974</sup> and directed only the fractional share of property to women in comparison to men. Therefore, it was directed that women are entitled to equal share of property as men, in their father's property.

♦ **Vishaka and Others v. State of Rajasthan and Others (1997)**

Bench- Chief Justice JS Verma, Justice Sujata V Manohar and Justice EN Kripal

A woman was gang-raped by five men and police was avoiding filing complaints against the accused resulting in delay of investigation. She did not stop and faced many hurdles and backlash. It was observed that Article 14, 15 & 21 were infringed and there was no act securing the rights of working women and a safe environment<sup>975</sup>. The hon'ble supreme court executed the effective legislation dealing with the sexual harassment during work. Accordingly POSH Act, 2013 was enacted.

♦ **Deepika Singh v. Central Administrative Tribunal (2022)**

Bench- Justice D.Y Chandrachud and Justice AS Bopanna, A woman was denied maternity<sup>976</sup> leave on the ground of prior having her 2 children and the third biological child was considered inadmissible. She moved to Hon'ble High Court to seek justice and accordingly the

<https://www.barandbench.com/columns/litigation-columns/international-womens-day-24-supreme-court-judgments-womens-rights-india> (last visited at March 05, 2025).

<sup>974</sup> Ajuni Bedi, 25 *Landmark Judgements That Transformed Women's Rights in India | Women's Day 2025 Special*, Law Chakra, 8 March, 2025, 12:31 PM available at: <https://lawchakra.in/blog/25-landmark-judgments-womens-rights/> (last visited at March 05, 2025).

<sup>975</sup> Sai Gayatri, *Vishaka & Ors. Vs. State of Rajasthan & Ors. (1997)* (16 Sep. 2024), available at [https://blog.ipleaders.in/vishaka-ors-vs-state-of-rajasthan-ors-1997/#Judgment in Vishaka Ors vs State of Rajasthan Ors 1997](https://blog.ipleaders.in/vishaka-ors-vs-state-of-rajasthan-ors-1997/#Judgment%20in%20Vishaka%20Ors%20vs%20State%20of%20Rajasthan%20Ors%201997) (last visited at Aug. 05, 2025).

<sup>976</sup> Ishan Chauhan and Harshdeep Singh, *Deepika Singh v. Central Administrative Tribunal- Path Shone by the Supreme Court*, SCC TIMES, Nov. 24, 2022 available at: <https://www.sconline.com/blog/post/2022/11/24/deepika-singh-v-central-administrative-tribunal-path-shone-by-the-supreme-court/> (last visited at Aug. 05, 2025).

availing of childcare leave by appellant could not deprive her of her own right to take maternity leave.

➤ **Mohd Ahmed Khan v. Shah Bano Begum & Ors (1985)**

Bench – Justice DY Chandrachud, Justice Ranganath Mishra, Justice DA Desai, Justice O Chinnappa and Justice ES Venkataramaiah., It was a landmark case for the protection of Muslim women and their rights. Shah Bano Begum a 62 years old woman was divorced by her husband and she filed maintenance under section 125(3) of the CrPc. She was given maintenance till iddat period under personal laws. The supreme Court ruled that she is entitled for maintenance or alimony even after the 'iddat' period. Because of this case the congress government passed<sup>977</sup> The Muslim Women (Protection of Rights of Divorce) Act, 1986 for the post-divorce monetary essentials.

**6.2 MISUSE**

➤ **Arnesh Kumar vs. State of Bihar (2014)**

**Bench: Justice Pinaki Chandra Ghose & Justice Chandramauli K.R Prasad**

The court observed that the section 498A, which was introduced to deal with the in-laws or husband's harassment was now being misused heavily without definite grounds. It was directed that police cannot arrest without following provisions of section 41 CrPC and a definite reason and proof should be provided of such section. Also, the hon'ble supreme court provided mandatory guidelines to prevent unnecessary arrest of the person.<sup>978</sup>

➤ **Nikita Singhania & Others Vs. State of Karnataka & ANR**

**Bench: Hon'ble Ashutosh Srivastava.**

<sup>977</sup> Vidhi Chetnani, *Case Analysis of Mohd. Ahmed Khan v. Shah Bano Begum*, (2023) 6, INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES, p.1470, available at:

<https://ijlmh.com/paper/case-analysis-of-mohd-ahmed-khan-v-shah-bano-begum/#> (last visited at Aug. 05, 2025)

<sup>978</sup> Janani Parvathy, *Arnesh Kumar vs. State of Bihar (2014)*, iPleaders, Sep 20, 2024, p.08, available at: [https://blog.ipleaders.in/arnesh-kumar-vs-state-of-bihar-2014/#Judgment by the Supreme Court](https://blog.ipleaders.in/arnesh-kumar-vs-state-of-bihar-2014/#Judgment%20by%20the%20Supreme%20Court) (last visited at Aug. 05, 2025)

This case was also known as ***Bengaluru Techie Suicide case or Atul Subhash Case*** where a man attempted suicide and he in his suicide note in the form of a video claimed that his wife had misused the laws to harass him and his family as well. She also demanded Rs. 3 Crore for divorce settlement. This was a plea before the Karnataka High Court to quash the abetment FIRs against them because of the viral suicide video and lodging of FIR by Atul's brother. In which the court stated that why the appellant does not want investigations to be done? Therefore, the court declined to pass any interim order on the petition mentioned.<sup>979</sup> This case was a wake-up call for the registration of PIL in Hon'ble Supreme Court in regarding reformation of Domestic Violence Act & Dowry Laws for preventing harassment of innocent husbands and their family<sup>980</sup>.

➤ ***Pramod suryabhan pawas vs State of Maharashtra (2019) 9 SCC 608***<sup>981</sup>

**Bench: Hon'ble Justice Indira Banerjee & Hon'ble Justice Dr. Dhananjaya Y Chandrachud**

In this case, the FIR was registered under Section 376 (2)(n) & Section 417 of IPC and section 3(1)(r)(w)(i)(ii), 3(2) (v) & sec. 6 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was filed against the man. Where the prosecution stated that the appellant had made sexual relations with solely with promise to marry which was not fulfilled. The court stated that the relationship was consensual from the beginning and the criminal proceedings initiated against the appellant was abuse of process of law. Therefore, the criminal proceedings were quashed by the Hon'ble Supreme Court.

➤ ***Narendra vs K. Meena (2016)***

<sup>979</sup> TNN, *Atul Subhash Suicide Case: Karnataka High Court refuses to quash abetment case against wife, others*, THE TIMES OF INDIA, Jan. 7, 2025, available at: <https://timesofindia.indiatimes.com/city/bengaluru/atul-suicide-hc-refuses-to-quash-abetment-case-against-wife-others/articleshow/117001923.cms> (last visited at Aug. 05, 2025)

<sup>980</sup> Chayanika.indialegal, *Atul Subhash Suicide: PIL seeks review of Domestic Violence Act and dowry laws*, INDIA LEGAL, Dec. 13, 2024, available at: <https://indialegalive.com/constitutional-law-news/courts-news/atul-subhash-suicide-pil-seeks-review-of-domestic-violence-act-and-dowry-laws/> (last visited at Aug. 05, 2025)

<sup>981</sup> (2019) 9 SCC 608

**Bench: Justice Anil R. Dave & Justice L. Nageshwara Rao**

The petitioner who was a husband filed divorce on the ground of cruelty and extreme suspicious nature along with irrelevant allegations and to be separated from rest of the family members. His wife and the respondent also attempted to commit suicide by burning herself which the appellant prevented.<sup>982</sup> The court found that constant threats of suicide and demands that the husband separate from his family amounted to mental cruelty and ordered the dissolution of marriage.

**7. CONCLUSION**

Women have been victims of assault and physical/mental harassment. They have always been suppressed in the society but now a drastic change in this era have been found that women's commit crimes and misuse the law according to their favour and men are being victim of it. Now the laws that were meant to protect females are used in the form of 'legal terrorism' by some. As per the NCRB<sup>983</sup> report of 2022, there were approx. 650033 cases for investigation among which 536715 cases were registered as false report case resulting in 5.65% increase till 2022 from 2016. This states that now men are getting threatened for registration of fake cases against them. Even Hon'ble Supreme Court stated<sup>984</sup> that the cruelty under 498A IPC is often subject to misuse and is not wholly dependent on 'general or vague allegations' alone. Therefore, now there are landmark judgements stating the consequences of misusing laws that are meant to protect which some females have to understand that laws are

<sup>982</sup> Aishwarya Lakhe, *Case Summary: Narendra vs. K. Meena on 6 October, 2016*, LEXBULLETIN, May 26, 2020, <https://lawlex.org/lex-bulletin/case-summary-narendra-vs-k-meena-on-6-october-2016/20709#respond> (last visited at Aug. 05, 2025)

<sup>983</sup> Tarun Kaushik, *Weaponization of Laws by Women in India (A Hundred Culprits May Get Acquitted But One Innocent Should Not Be Convicted)*, (2023) 5, 26, available at: <https://www.maitreyi.ac.in/uploads/research/Samvedna/issues/vol6/issue2/Eng/E3.pdf> (last visited at Aug. 05, 2025)

<sup>984</sup> Apoorva, *Supreme Court acquits husband in 498A IPC case, expresses concern over misuse of dowry and cruelty provisions*, SCC Times, May 14, 2025, available at: <https://www.sconline.com/blog/post/2025/05/14/supreme-court-cruelty-498a-ipc-misuse-acquittal/> (last visited Aug. 5, 2025).



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not weapons and the serious consequences can become boomerang, harming the misuser only.

