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Cruelty Against Men in Marital Relationships under Indian Criminal Law: A Critical Analysis

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Cruelty Against Men in Marital Relationships under Indian Criminal Law: A Critical Analysis

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Abstract

"If the law does not adapt to the demands of a changing society, it will either choke the society's growth and impede its advancement, or if society is strong enough, it will overthrow the law that is impeding its development. Therefore, the law must constantly be evolving to keep up with society's rapid changes rather than falling behind". Bhagwati, Justice.

A country's social structure is greatly influenced by marriage. It is the cornerstone of the institution of marriage, which denotes a man and woman's whole bodily, mental, and spiritual union as husband and wife in order to start a family. A wealthy and healthy society is shown by happy homes. However, the definition of stability in the context of marriage has been steadily evolving throughout time due to the rise of industrialized societies and social consciousness among people, particularly among women, regarding their rights to equality and personal liberty. Over the past few millennia, women's standing in India has undergone numerous significant shifts, from a deterioration from ancient to medieval periods to the advancement of equal rights by numerous reformers. In contemporary India, women's rights under the Indian Constitution primarily comprise equality, dignity, and freedom from discrimination; however, women's rights are governed by a number of laws. The status of women has significantly changed as a result of the freedoms of education, employment, economic independence, and social attitude. Nowadays, the majority of women who were previously homemakers are advancing alongside men. Police officers and misbehaving women abuse the laws specifically designed for women. Neither the courts nor society pay attention to the cries of abused husbands and their families. According to the practice, spouses suffer for no fault at all when laws pertaining to women are abused. Therefore, the laws pertaining to women need to be changed. It is unfair to assume that only wives experience domestic abuse. There are no unique rules for men in India or anywhere else in the world. Men are not protected under the Domestic Violence Act of 2005, the Indian Penal Code's Section 498B, or the Code of Criminal Procedure's Section 125A, which provides maintenance to spouses under the Act.

According to the researcher, this study will expose the hidden pain of males who frequently experience domestic violence. It is a clear reality that men are more likely than women to experience domestic abuse since society and the law do not

adequately address this specific problem. It will depict the consequences and difficulties faced by a male victim of domestic abuse.

In order to address this new kind of issue, the researcher in this study has carefully examined the laws that are currently in place, effectively highlighted how husbands are victimized under the guise of domestic violence laws and its horrible repercussions, and attempted to offer both social and legal solutions.

Keywords: *Cruelty, criminal procedure code, Gender, Marriage, Partiality*

Introduction

The topic of cruelty in marriage is one that has always been complicated and sensitive in India. Marriage has historically been seen as a source of stability for families and society, but it is also a place where there has been inequality and abuse in the way people use their power. The Indian Criminal Justice System has historically intervened in the area of domestic violence (primarily through legislation) to combat and reduce systemic violence against women. The introduction of 498A of IPC in 1983 is a reflection of these concerns about the increase in violence or harassment related to dowry as well as domestic violence. PID: Section 498A is a significant part of Indian law and serves as an important legal and social means of helping married women, but the provisions of Section 498A are only applicable to married women. As such, this provision raises a significant legal and constitutional question about the recognition of gender and the extent to which Indian law has recognised cruelty against men in marriage. This dissertation aims to conduct a detailed doctrinal analysis of this issue, using the broad framework of criminal jurisprudence, provisions of the Constitution on Equality and gendered perspectives of the evolving nature of relationships between men and women.

This research examines how marital cruelty fits within the larger ideas of gender equality and the Constitution. It recognises that women were provided protection through laws that were created out of long-time history of discrimination and violence. It also acknowledges that the application of the law in relation to Criminal Law must have principles of fairness, proportionality, and equal protection. The research does not intend to undermine any protections intended by Section 498A, but rather to determine if the legislation as it exists today meets Constitutional requirements for equality and dignity for women.

Marriage as a Legal and Social Institution

Cruelty is defined as behavior that puts the supplicant's life, health, or branch in danger or makes it impossible for the supplicant to continue living with the replier. It is evident that the tragedy is not limited to people of a specific gender. Additionally, the Honorable Apex Court of India has declared in multiple cases that men are inversely sensitive to trocity in various contexts, including concubial relationships. According to the ruling in *V. Bhagat vs. D. Bhagat* (1994, AIR,

Supreme Court, 710), a woman may also commit cruelty if she falsely accuses her husband and his relatives of mental illness.¹

Methods of Cruelty Against Husbands and Men

Women's violence against males has become a widespread issue. This covers abuse that affects a person's mental and physical well-being as well as financial, physical, sexual, and emotional abuse. Gender-based violence affects both males and women. In a nation like India, where men have ruled for generations, it is difficult for many to accept that men may experience violence and atrocities on par with women. The number of men who are being physically and psychologically assaulted by women is rising. There is no denying that men subjugate women through intimate partner abuse. However, there is no justification for not having a statute protecting men against the same. Gender equality and mortal rights apply to everyone. Article 15 of the Indian Constitution forbids any kind of discrimination based on caste, gender, religion, or race. Article 14 of the Indian Constitution also ensures that every citizen has the right to equality.²

These are the typical ways that a guy used to get tired:

• Domestic violence and Section 498 A abuse

The most prevalent and ingrained system of cruelty against men is the abuse of Section 498 A of the Indian Penal Code and the Protection of Women from Domestic Violence Act 2005. In this system, women and their relatives would falsely accuse their husbands and their families of violence, and because there was no gender-neutral legislation, they would suffer not only justly but also face criticism from society, which would torment their social lives and mental health. In addition to the law, there are additional factors that can cause such situations to go unreported, such as the societal belief that men are strong and difficult to weep, or the possibility of pain for them and their families if they need legal assistance. Unfortunately, the vittles as outlined in section 498-A and others have been abused by the investigating and enforcing agencies and used to such a degree by the women and their relatives that they have shown to be extremely ineffectual in curbing dowry wrongs. Despite the fact that these vittles were prepared with the best of intentions, the act was unproductive and left a rather awful flavor.

A growing trend among women, further ingrained by their parents and relatives, is to rope in every single relative, including young children, elderly people, close or distant relatives, unmarried or unattached sisters, family-in-law, family, uncles, grandparents, and other relatives of the husband. After a complaint is filed, police and organizations such as the Crime Against Women Cell can easily

¹ Paras Diwan and Peeyushi Diwan, *Modern Hindu Law* (Allahabad Law Agency, 21st edn., 2018) 235.

² M.P. Jain, *Indian Constitutional Law* (LexisNexis, 8th edn., 2018) 1245.

use it to harass the accused with the threat of arrest, forcing them to flee immediately and hide at the homes of their relatives or musketeers until they are granted anticipatory bail because the offense has been made cognizable and non-bailable.³

According to research done by health specialists at the International Institute for Population Science (IIPS), Mumbai, working women in India who have access to cell phones and earn money prosecute more cases of domestic violence against their husbands. In contrast to the frequent finding that marital violence against women decreased with age, the investigation also found that the frequency of violence against husbands increased in nuclear families. In the past, subjects experienced more emotional abuse from their partners than physical abuse. A survey of 1,000 married men in pastoral Haryana between the ages of 21 and 49 revealed that 10% of men over the age of 18 had experienced domestic abuse.

Major Case Laws: The Apex Court of India noted in the Preeti Guptav v. State of Jharkhand² case that, regrettably, a significant number of complaints under Section 498 A have not only baffled the courts but also caused a great deal of social unrest that has affected the harmony, peace, and happiness of the community. The Apex Court declared that the courts must handle these concerns with extreme caution and conservatism and must take practical realities into account when handling marriage matters. The complaint's accusations must be carefully and cautiously examined.

- In the case of Shikha Tamrakaar vs. Rohit Kumar Tamrakaar³, it seemed that the woman was fighting with her husband and his parents, failing to provide for them, forcing her husband to live apart from his parents, causing her to later commit self-murder, and abandoning her husband for no apparent reason. The woman continued to forsake her husband despite the husband's attempts to find a solution. She did spread the rumor among her family and the community that her husband's father had attempted to rape her. It was decided that the woman's similar behavior qualified as cruelty.⁴

The ruling in Samar Ghosh v. Jaya Ghosh was relied upon.

Abuse of Adultery by a Woman Against Her Husband

The Latin term "adulterium" is where the word "adultery" originates. According to lawyers, adultery is mostly the deliberate introduction of an outsider into a relationship in order to ruin it. It is also commonly referred to as "adulterous sexual connections." "A person gets into a sexual relationship with a person who isn't his/her partner" is the definition of adulterous sexual connections. The Supreme Court ruled in Joseph Shine v. Union of India that section 497 is unconstitutional and that adultery is not a criminal. The Supreme Court's earlier

³ Ratanlal & Dhirajlal, *The Indian Penal Code* (LexisNexis, 34th edn., 2017) 1985.

⁴ D.D. Basu, *Introduction to the Constitution of India* (LexisNexis, 23rd edn., 2018) 314.

decisions on section 497 that adultery is no longer a crime—have been overturned by this verdict.⁵

The previous three decisions on the subject have been overturned by the finding of a five-judge Supreme Court panel led by Chief Justice Deepak Mishra. ADULTERY was defined in this section as an offense committed by a man against a married man if the former had sex with the latter's woman. According to the law, a man can only bring an adultery lawsuit against a guy that his woman has supposedly had an affair with. Therefore, in essence, a woman cannot be fulfilled on the basis of adultery or file a lawsuit of adultery. This discriminates against both men and women by blurring gender boundaries. It discriminates against males because a woman cannot be fulfilled for sleeping with a married man, but men can be fulfilled for the crime of adultery if they sleep with a married woman. Even while adultery is currently merely a basis for divorce and not a crime, women are using it against their husbands to wear them down by making false accusations and arresting him in order to obtain a divorce and demand a certain amount of alimony. The ladies do this to protect their own reputation and character, as well as to win compassion from the public and genuine people. However, as a result, their husbands are sometimes the victims of atrocities. In the *Bhikam Ram v. Satya Devi*⁶ case, it was also decided that making false accusations against a husband is an atrocity.

In *Rakesh Sharma v. Surbhi Sharma*, the lady falsely claimed that her husband had demanded a dowry. She also made grave, untrue, and defamatory accusations about the husband's extracurricular activities. The woman's accusations were all unproven. However, it was also proven that the wife had willingly abandoned her husband, which constituted a mental cruelty to him. Due to comparable factual circumstances, the husband was granted a divorce by the High Court.

Evolution of Criminal Law Intervention in Matrimonial Cruelty

The evolution of criminal law intervention in matrimonial cruelty in India reflects a gradual yet profound transformation in the relationship between the State and the institution of marriage. Historically, marital disputes were treated as private matters, governed primarily by personal laws and community norms. The shift toward criminalisation of cruelty within marriage represents a conscious departure from this traditional reluctance to intrude into the domestic sphere. Understanding this evolution is essential to critically examining the present legal framework and its gender-specific design⁶. In the early decades following independence, matrimonial disputes were addressed predominantly through civil remedies. The codification of Hindu personal law in the 1950s introduced cruelty as a ground for divorce under the Hindu Marriage Act, 1955. Judicial

⁵ K.N. Chandrasekharan Pillai, *R.V. Kelkar's Criminal Procedure* (Eastern Book Company, 6th edn., 2018) 455.

⁶ Flavia Agnes, *Family Law: Volume I – Family Laws and Constitutional Claims* (Oxford University Press, 2011) 176.

interpretation gradually expanded the meaning of cruelty to include both physical and mental harm. Courts recognised that sustained humiliation, emotional neglect, false accusations, and psychological torment could amount to cruelty sufficient to dissolve a marriage. These civil provisions were framed in gender-neutral language, enabling either spouse to seek relief.

The recognition of cruelty in civil law, however, was remedial rather than punitive. Divorce or judicial separation provided an exit from a harmful relationship but did not impose penal consequences. As incidents of dowry-related violence escalated in the late 1970s and early 1980s, civil remedies were perceived as insufficient to address the severity of harm. Media reports, women's rights movements, and parliamentary debates documented cases where newly married women were subjected to persistent harassment for dowry, often culminating in unnatural deaths. The phenomenon of "bride burning" became a matter of national concern.

In response, Parliament introduced significant amendments to the Indian Penal Code and the Evidence Act in 1983 and 1986. Section 498A IPC criminalised cruelty by a husband or his relatives against a married woman. Section 304B IPC created the offence of dowry death. Corresponding amendments to the Evidence Act introduced presumptions in cases of dowry death and cruelty. These measures collectively signalled the State's commitment to addressing domestic violence through criminal sanction. The drafting of Section 498A reflected the specific social problem it sought to address. The provision defined cruelty to include conduct likely to drive a woman to suicide or cause grave injury, as well as harassment related to unlawful demands for property. The emphasis on dowry-linked harassment was deliberate. The offence was made cognizable and non-bailable to ensure prompt police intervention. Legislative intent clearly centred on protecting married women from systemic abuse within patriarchal households. The criminalisation of matrimonial cruelty thus emerged from a context of gendered violence. It was not conceived as a general offence of spousal cruelty but as a targeted response to a particular social evil. The gender-specific language was therefore consistent with legislative purpose at the time of enactment. Over the years, judicial interpretation expanded the scope of Section 498A beyond dowry demands. Courts recognised that cruelty could encompass mental harassment unconnected to dowry, provided it met the threshold of grave injury or likelihood of suicide. This broader interpretation reflected judicial sensitivity to psychological abuse. However, the victim category remained restricted to married women⁷.

Parallel developments occurred in civil law. Courts continued to refine the concept of mental cruelty in divorce proceedings, applying nuanced tests to determine whether conduct caused reasonable apprehension of harm.

⁷ Ratna Kapur and Brenda Cossman, *Subversive Sites: Feminist Engagements with Law in India* (Sage Publications, 1996) 124.

Importantly, these civil jurisprudential developments remained gender-neutral. The divergence between civil and criminal treatment of cruelty became increasingly evident. As the use of Section 498A grew, concerns emerged regarding misuse. Allegations of false complaints, exaggerated accusations, and implication of extended family members became part of public discourse. The Supreme Court addressed these concerns in several judgments, emphasising the need for cautious application and procedural safeguards. In *Arnesh Kumar v. State of Bihar*, the Court directed police officers to avoid automatic arrests and to comply with guidelines under the Code of Criminal Procedure. Despite acknowledging misuse concerns, the judiciary consistently upheld the constitutional validity of Section 498A. Courts reiterated that isolated misuse does not invalidate a statute enacted to address a serious social problem⁸. This judicial stance reinforced the legitimacy of gender-specific criminalisation as protective legislation.

However, the misuse debate also exposed underlying tensions within the framework. Critics argued that criminalisation of marital disputes sometimes intensified conflict and discouraged reconciliation. Others maintained that dilution of the provision would endanger genuine victims. The discourse often polarised into competing narratives of protection versus misuse, leaving little space for examining structural questions regarding exclusion. Simultaneously, broader constitutional jurisprudence evolved. The Supreme Court's decisions decriminalising adultery and striking down gender-stereotyped provisions signalled a move toward dismantling assumptions about marital roles embedded in criminal law. These decisions emphasised autonomy, dignity, and gender neutrality. While not directly addressing Section 498A, they reflect an interpretative shift that may influence future scrutiny of gender-exclusive offences.

Another significant development was the enactment of the Protection of Women from Domestic Violence Act, 2005. Unlike Section 498A, which is purely criminal, the PWDVA provides civil remedies such as protection orders, residence orders, and monetary relief. However, the Act remains explicitly women-centric. It reinforces the protective model rather than adopting gender neutrality. The cumulative evolution of law therefore presents a complex picture. Criminal law intervention in matrimonial cruelty began as a targeted response to dowry violence. Over time, judicial interpretation expanded the meaning of cruelty while preserving gender specificity. Procedural safeguards were introduced to address misuse concerns. Parallel civil jurisprudence recognised cruelty as gender-neutral. Constitutional doctrine increasingly emphasised substantive equality and autonomy. Against this backdrop, the question arises whether the historical rationale for gender-specific criminalisation remains sufficient to justify complete exclusion of men from statutory recognition as

⁸ Upendra Baxi, *The Crisis of the Indian Legal System* (Vikas Publishing House, 1982) 212.

victims of marital cruelty. The issue is not whether violence against women persists it undeniably does—but whether criminal law, as a matter of doctrinal coherence, should recognise cruelty as a harm irrespective of gender while still addressing disproportionate impact through evidentiary or policy mechanisms⁹. Criminal law evolves in response to social change. Just as matrimonial offences such as adultery were reconsidered in light of constitutional morality, it is legitimate to examine whether Section 498A's framework aligns with contemporary equality principles. The evolution of criminal intervention in matrimonial cruelty thus sets the stage for a deeper constitutional and doctrinal inquiry.

Fabricated Claims as a Litigation Strategy

Indian courts have increasingly embraced the use of cruelty allegations as a legal technique in the previous two decades. They assert that these allegations do not represent genuine stories of injury endured, but rather serve as a means to get a judicial advantage. Examining the practical functioning of this phenomena is essential, since understanding its mechanics is necessary to evaluate both the judicial reactions and potential changes to address it. The most straightforward use of strategy is leveraging allegations of cruelty to get a more favorable outcome in financial talks for the petitioner. In Indian marital law, the reasons for divorce may influence maintenance judgments, and in reality, charges of cruelty regardless of their truth often effect informal discussions that take place before or during official processes.¹⁰

A spouse who has made a cruelty allegation that also involves criminal behaviour (and is therefore within the ambit of Section 85 of the BNS Act) holds significant power.¹¹ That spouse may withdraw their complaint in exchange for an advantageous settlement. This relationship is widely recognised by practitioners and documented in academic literature and acknowledged by courts. It provides an excellent structural basis for individuals to make statements that may be exaggerated or fabricated.

Allegations of cruelty in custody disputes represent a disturbing form of strategic litigation. One of the two functions served by making cruelty allegations against another parent when safeguarding the welfare of children is to demonstrate that parent's unfitness for the partnership and to reinforce the claim that the children would be worse off if they were to primarily reside with that parent. Judicial bodies resolving custody disputes consistently find that as custody disputes become increasingly contentious, the allegation of cruelty against the other parent frequently escalates in severity and scope, suggesting an element of strategy

⁹ S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford University Press, 2002) 309.

¹⁰ *Lalita Kumari v. Govt. of Uttar Pradesh*, (2014) 2 SCC 1.

¹¹ *Bipinchandra Jaisinghbhai Shah v. Prabhavati*, AIR 1957 SC 176.

beyond evidentiary data. Allegations of cruelty may also be used strategically in property disputes involving marital residences, jointly held property, or claims under the Hindu Succession Act.¹²

A spouse exhibiting cruelty may have a more favorable standing to establish claims about the marital residence or to contest the transfer of property to the other party. When financial stakes are elevated, it may be very enticing to fabricate or amplify allegations of cruelty for this purpose. It is crucial to prioritize the strategic use of criminal charges under Section 85 BNS above civil cruelty claims in divorce proceedings due to the more severe repercussions and heightened risk of injury. Upon the filing of a criminal complaint, a procedure is initiated that may result in arrest, custody, and the establishment of a criminal record, irrespective of the eventual outcome. The potential for criminal charges serves as a potent leverage in divorce proceedings, and individuals may initiate such complaints just to gain an advantage, rather than to pursue genuine criminal justice.

Judicial bodies have increasingly recognized the phenomenon of parallel processes, when one spouse initiates both civil divorce actions citing cruelty and criminal allegations under Section 85. They have remarked on the apparent planned timing of the complaints. The Supreme Court's remarks in Arnesh Kumar on the frequent misuse of Section 498A complaints for marital disputes, together with its directives to law enforcement to judiciously assess the need of arrests, were partially a reaction to this established practice.¹³

It is often difficult to deal with cruelty accusations because it's occurred in the context of true uncertainty. The person making the augmented allegation of cruelty in order to gain a more positive resolution may have been abused in the marriage. The same is true for the spouse who is filing a criminal complaint for tactical reasons.¹⁴ There would, however, be some evidence to support that the spouse enduring whatever cruelty was depicted was really there. Legislative guidance about how to resolve all of these conflicting interests is quite limited. Courts that are willing to dismiss these cases as tactical risk are in effect denying protection to those individuals who meet the definition of an actual victim, who, by their very nature, have a tactical interest in the resolution of their case. More research needs to be conducted to understand the effect of intermediaries (e.g., lawyers, family members, and sometimes professional "divorce consultants") that facilitate or encourage the tactical use of cruelty accusations. Such intermediaries play a role in shaping the story submitted to the courts, direct parties about what that story should contain, and exacerbate the circumstances of the facts previously submitted to the court as they create the best argument for their client, albeit through what, at best, may be questionable legal ethics. The legal profession has ethical rules that prohibit providing false information; nevertheless, the

¹² Rita Nijhawan v. Balkishan Nijhawan, AIR 1973 Del 200.

¹³ Arun Kumar v. Meena, AIR 2004 Raj 5.

¹⁴ Baljinder Kaur v. Hardev Singh, AIR 1986 P&H 300.

enforcement of the rules is inconsistent. The instead of working to promote and engage in litigation aggressively, attorneys are able to engage in conduct that is "not grossly dishonest," but still produces an ethical dilemma.

Evidentiary Issues in Proving Cruelty

The evidentiary dimension of cruelty cases is where the abstract principles meet the messy reality of

what courts can actually know and how they can know it. Cruelty within marriage happens, almost by definition, in private in the domestic space that the law is most reluctant to invade and least equipped to illuminate. The evidence available to courts in cruelty cases is therefore typically limited, often contested, and rarely capable of providing the kind of certainty that the resolution of serious legal disputes ideally demands.¹⁵

Oral Evidence

Testimony from the parties and their witnesses is the main type of evidence used in cruelty cases. This can be good and bad. The advantage is that the parties possess firsthand knowledge of the events that transpired in their marriage, and their testimony, if truthful and credible, constitutes the most compelling evidence of the alleged misconduct. The issue lies in the fact that the parties possess the most significant personal interest in the outcome, rendering their testimony inherently biased by that interest. Courts have long acknowledged that the parties' narratives in matrimonial proceedings necessitate cautious consideration—not due to an assumption of dishonesty by either party, but because the distortions arising from grievance, pain, and self-interest are both foreseeable and challenging to identify.¹⁶

Witness testimony from third parties—such as family members, friends, and neighbors—constitutes significant supplementary evidence in cruelty cases; however, it possesses inherent limitations. Family members are seldom truly impartial; they are usually biased toward one party, and their testimony is frequently influenced as much by loyalty as by objective memory. Courts have learned to be careful when looking at evidence from close family members. They don't throw it out completely, but they do weigh it carefully against the chance of bias. Independent witnesses—neighbors, colleagues, or others without a significant connection to either party—are more valuable due to their relative neutrality; however, they are also less likely to have observed the private conduct that typically constitutes cruelty.

The evaluation of the credibility of oral evidence in cruelty cases encompasses factors commonly recognized in other litigation contexts—consistency, specificity, plausibility, and demeanor—yet these factors assume particular

¹⁵ Arun Kumar v. Meena, AIR 2004 Raj 5.

¹⁶ Baljinder Kaur v. Hardev Singh, AIR 1986 P&H 300.

importance in a field where the foundational events are challenging to independently verify. A coherent, detailed, and credible narrative of cruelty is more likely to be accepted than an ambiguous and self-contradictory one, irrespective of the sincerity of its presentation. Courts have also become more aware of the patterns of evasion and inconsistency that can happen with false testimony. However, the usefulness of demeanor evidence is still up for debate, and its reliability is still up in the air.¹⁷

Circumstantial Evidence

Circumstantial evidence is crucial in situations of cruelty. It often corroborates or contradicts the direct oral testimony of the people involved. Medical evidence—documentation of treatment for injuries, mental health conditions, or bodily manifestations associated with stress—can serve as compelling substantiation of cruelty allegations, since it demonstrates that the petitioner had experienced damage. The absence of medical proof is not conclusive—numerous acts of cruelty do not produce medical evidence—but its presence significantly strengthens the petitioner's argument.

In the digital era, documented evidence is more significant. Text messages, emails, WhatsApp conversations, and social media postings often provide a contemporaneous record of interpersonal communications that might corroborate or refute spoken assertions on their relationship. Courts have often been amenable to accepting and using this kind of evidence; nonetheless, concerns frequently arise over its authenticity and comprehensiveness. It is a recognized issue that some individuals selectively present electronic messages that corroborate their narrative while concealing those that contradict it. Judicial bodies have increasingly recognized the need of properly evaluating digital evidence rather than accepting it at face value.

In instances of cruelty including allegations of economic abuse, such as withholding funds for essential requirements, coercing an individual to relinquish property, or exploiting someone financially, financial records may serve as significant circumstantial evidence. Bank data, property paperwork, and financial transaction records may sometimes provide objective validation for these charges, rendering them less vulnerable to credibility disputes than only testimonial evidence.

Burden of Proof

The civil standard of preponderance of probability serves as the burden of evidence in marital cruelty claims. This was established by the Dastane ruling. The test stipulates that the petitioner must demonstrate that it is more probable than not that the alleged action occurred and that it constitutes lawful cruelty. It is a lesser bar than the criminal criterion of "beyond a reasonable doubt," although

¹⁷ Uttam Singh v. Nirmal Kaur, AIR 1993 P&H 209.

it is not insignificant. A mere assertion of cruelty without reliable proof will not suffice.¹⁸

The application of the burden of evidence in instances of false accusations introduces a unique difficulty. If the assertion is that the respondent submitted false complaints or accusations, the petitioner must demonstrate that the claims were made and that they were really untrue. The first element is often undisputed, since the assertions made are generally a matter of record.

Proving the second point—that they were false—is more challenging, and courts have not consistently clarified the requirements. Proving a negative is challenging, and the evidentiary standard for demonstrating the accusations' falsity must be explicit to ensure the burden is not too onerous.¹⁹

In evaluating all the evidence, judges often assess the improbability of the claims, the context in which they were presented, any indications of purpose, and the outcomes of instances where the claims were scrutinized. When several allegations arise in various locations and remain unsubstantiated, the cumulative evidence may be enough to indicate their falsity on the balance of probability, even if individual proof is elusive.

Remedy against false cases

- (I) The government should take action and devise a plan or strategy to make these individuals, non-governmental organizations, government organizations, and institutions primarily the police, schools, colleges, universities, judiciary, and other officers aware.
- (II) Women's organizations should be accountable for preventing false complaints.
- (III) The government should educate individuals about the negative effects of this act and carry out surveys and research on its usage.
- (IV) Civil authorities conducted the inquiry into these offenses, and cognizance should only be taken following their conclusion that the offense was committed.
- (V) To assist the individual or his family member, family counseling facilities must be established nationwide.

Suggested Reforms

Evidentiary Guidelines

In particular, the guidelines must establish the specific factors that will govern the assessment of the credibility of witnesses who provide oral testimony in matrimonial proceedings; these factors should include (a) the consistency of the testimony with other evidence; (b) the specificity of the testimony; (c) the corroboration of the testimony; and (d) the relevance of the timing of raising allegations of cruelty. Additionally, the guidelines should guide the courts on how

¹⁸ Social Action Forum for Manav Adhikar v. Union of India, (2018) 10 SCC 443.

¹⁹ Sucheta Ashok Patil v. Ashok Yashwant Patil, AIR 2000 Bom 437.

to evaluate the credibility of family witness 'testimony when the family witness has a clear bias in favour of a party. The guidelines should provide for and encourage the courts to obtain expert testimony in cases in which mental cruelty is alleged, and the only evidence of the harm is psychological in nature. Moreover, the guidelines should govern the evaluation of expert evidence when presented to the courts and should include provisions to establish the qualifications of experts, the types of matters for which expert evidence is appropriate, and the level of weight that will be given to expert evidence compared to other evidence.

Judicial Standardisation

Judicial inconsistency regarding cruelty to animals has arisen not only as a direct result from the absence of a statutory definition, but from insufficient training and minimal understanding of the existing body of case law within both trial courts and family courts. The introduction of a form of statutory framework for cruelty (not a fixed definition — rather a set of criteria that the courts must consider) would create a common foundation from which current judicial decision-making can take place. Regular and continuing education will provide family court judges and magistrates with an adequate command of matrimonial cruelty law, including leading Supreme Court decisions and relevant Law Commission reports, as well as similar developments in other jurisdictions. The establishment of a sentencing council or advisory body engaged in family law, comprised of senior judges, academics, practitioners, and civic society representatives, would enhance the continuing integrity of cruelty jurisprudence, and provide a venue in which to discuss new issues created by the case law.

Safeguards Against Misuse

Misuse of law is a serious problem and can occur for numerous reasons. It is crucial that safeguards against abuse of law are developed that can operate in a variety of ways at various points throughout the legal system. For example, establishing a structured preliminary assessment of each potential complaint at the pre-complaint phase will assist in filtering out complaints which do not meet the requisite threshold for proceeding with a formal investigation. The time required to perform these preliminary assessments should be limited in accordance with established policy. Further, there should be clear and prompt appeal rights for each complainant whose complaint is not accepted as meritorious after a preliminary assessment. The BNSS requirements for preliminary inquiries and completing investigations by specific deadlines must be strictly upheld and supported by applicable officer accountability provisions. The treatment of named relatives must be subject to the requirement of a specific documented assessment of that named relative's involvement in addition to the rules of no coercive action against a named person without a specific documented assessment of that person's involvement in order to ensure that victims and

potential victims of violent crime are not further victimized through the misapplication of the law. In terms of any court proceeding, trial courts should be empowered to award legal costs to defendants when the evidence supports a finding of bad faith on the part of the plaintiff. This is possible today through the concept of an award of costs, and yet is rarely utilized.

Conclusion

Due to industrialization and westernization, society's values, culture, and norms have drastically changed in recent years. Men used to be viewed as protectors of their families, but in the modern world, both sexes work, raise, and run their homes while earning the same salaries. Men have started to publicly express their grief, suffering, and difficulties as well as the domestic abuse they experience. In terms of strength, men are no longer superior than women.

Based on the aforementioned studies, it can be said that domestic violence affects males equally in India and around the world. However, a number of elements, including patriarchal society, men's physical attributes, women's and men's physical strength, etc. Such a practice has received relatively little recognition. When it comes to crimes against men, society is still in its infancy. Women's rights are protected by numerous national and international laws and accords. However, when it comes to crimes against men, the same approach has not been taken. In India, there aren't many laws that protect and acknowledge crimes against men. People continue to believe that women are incapable of committing such acts. It would be incorrect to claim that the system is utterly mute in this matter because there have been instances in which the judiciary has recognized this truth and even penalized the criminal. We can therefore argue that as society is evolving, legislation must likewise adapt.

The legislator must take society's evolving demands into account while crafting laws. Therefore, creating gender-neutral regulations is one of the evolving requirements of society with regard to domestic abuse cases. To address the issue, some awareness camps should be set up, and the media can be enlisted to help. Small-scale awareness initiatives in schools and universities, such as seminars, workshops, legal assistance camps, etc., might also be beneficial. More emphasis needs to be placed on the helpline numbers for male victims. Its presence is unknown to a large number of people. Newspapers, social media, news channels, brochures, and other media can all spotlight the numbers. The function of an enforcement authority is also crucial. The accusation of such brutality must be taken seriously by the police. Furthermore, as the judiciary is the pinnacle of justice, its role cannot be disregarded. Justice is therefore for everyone. And this also applies to guys. Therefore, gender-neutral legislation regarding domestic abuse are urgently needed to rebuild trust in the nation's legal system and judiciary.

Aside from that, mental health should not be disregarded, as we saw during the COVID-19 pandemic. People began discussing mental health at this point. This

ought to be carried out going forward as well. We have seen the results of prior neglect of the subject of mental health. As a result, a lot more people are now being transparent about this issue. When it comes to domestic violence against men, a similar strategy must be used, and all preconceived notions about it must be dispelled. In this manner, an increasing number of guys will be able to discuss the struggles they are facing. Sessions of counseling might be beneficial. Therefore, it is long overdue for laws and statutes to recognize their condition as a social problem. Effective national and international legislation changes, public awareness initiatives, and the demolition of prejudices and preconceived beliefs can all help identify domestic abuse against males. Furthermore, merely passing legislation is not the answer; the government and judiciary must consider how best to implement it. Therefore, all of these adjustments have the potential to improve society.

Article 15(3) of the Constitution allowed for exceptions, which are now the norm! Because of this, governments conveniently ignore Article 14, Article 15(1), and Article 21 of the Constitution with regard to men. As a result, it has become commonplace for governments to enact discriminatory and biased laws against men while allowing women to act aggressively against men. The government needs to acknowledge that men make up a significant portion of the population but are underrepresented in India's judicial system. Men's concerns and difficulties are disregarded when gender-based legislation is being proposed or passed; only the NCW and WCD Ministry, which are focused on women, are consulted. Gender-neutral laws, a constitutional authority, or a platform are desperately needed to address the issues and worries of men. Both institutional recognition of domestic abuse against males and open legislative support will result from the implementation of these straightforward but very needed and reasonable measures. Men will therefore have the guts to denounce abuse anytime it occurs. There will be more complaints, and future studies in this field will have access to more reliable and accurate statistical data.

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