Chapter 4

MISUSE OF PROTECTIVE LAWS BY WOMEN IN INDIA
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4.1. Gender biased laws

The laws are supposed to make deliver justice to its citizens, irrespective if they are rich or poor, male or female, animal or human. But, what happens if the law itself is biased? Here are some Indian laws, which are gender biased and have amounted to lot of controversies:

A. Dowry death laws – If a woman dies of an unnatural death within 7 years of marriage, a criminal case is to be filed against the husband under s. 304-B, I.P.C. If the investigation leads to any slight proof that she was being subjected to cruelty and torture for dowry by him or any of his relatives, the death will be considered murder for dowry. The punishment will be imprisonment for seven years for the husband and the relatives.

B. Laws for sexual harassment and rape – A woman can just go to the police station and file a first information report, accusing the man for rape. The man will be arrested immediately without any proof or investigation. This has become a weapon for some cheap woman to ruin the life of man and his family’s name in two minutes. This amendment was made in 2013.

C. Domestic Violence Act and other laws – This is the most draconian law ever and was referred to as “legal terrorism” by the Hon’ble Supreme Court of India. Under this law, if a woman goes to the police station and files first information report against her husband and his family, accusing them of domestic violence under the Domestic Violence Act and s. 498A, I.P.C., they are automatically considered guilty. It would be their job to prove themselves innocent or else, rot in jail. This section is non-bailable and non-compoundable. In most cases, arrests were done before investigation. However, Supreme Court saw the misuse and took a corrective step later, and that is that the arrests to be made only after magistrate’s nod only.

D. Adultery – Now, consider this scenario. Ravi and Rekha are married to each other. Amit is another person. Rekha and Amit decide to have intercourse. This is not rape nor done forcefully, but purely consensual. What Rekha did was adultery s. 497,
I.P.C. – had physical relation outside marriage. Though this is not a crime, but is morally not acceptable and has legal consequences. The legal consequences amounting to adultery are Amit is imprisoned for five years with fine. Rekha? She does not have to face a single thing. Why? Because woman are not considered as punishable, even as an abettor. The lifelong trauma that often ends in suicide. Even if the man is let off the false charges thrown at him by liars, will it be easy for him to let go of the mental trauma, he went through jail? Seeing his old parents rotting behind the bars? For facing such insult by society, when he did not even do nothing. Justice is absolute right, but laws like these are only convenient for woman, who just wants to take revenge for nothing. In 2011, 19,772 cases were filed under S. 498 A, IPC, the conviction rate was only 6.5 %. Rest of the cases was false.

4.2. Effect of the protective laws for women over the society

The standards of the cruelty are dynamic in nature, and keep changing from case to case and time to time. In practicality, the law is the mirror to the society. One can see that as the society has been changing from time to time, so the law is also. For example, in earlier times, it was treated as cruelty to the husband, if it was the daily routine matter of his wife to come late to the home. But, in today’s life, it is treated in a normal way, as both the husband and his wife are earning for their better future. The reason behind this is the change of mindset of the society. Gone are the days, when it was thought that only women could be harassed, and men had no feelings, they never suffer. Even now, the court has also observed on May 10, 2015 in a case that “men can also be traumatized and undergo mental agony”.

The explanation to the term “cruelty” is amended according to the changing time, place and person. The meaning of this term can’t be taken in the same way for the persons, residing in separate social and economic status. That is why, our Parliament of India has not provided the exact meaning of this term “cruelty”. It delivered this task in the hands of the courts to take the meaning of this term on the basis of the person and facts of some particular case. Inspite of all this, it is some material concept in family related matters, that all the laws, related to this subject matter, has the place for this term in it. In Shri Mangesh Balkrushna Bhoir v. Sau. Leena
Mangesh Bhoir, Justice R. D. Dhanuka, of the High Court of Maharashtra, considered the judgment in Vishwanath Sitaram Agrawal v. Sau. Sarla Vishwanath Agrawal, wherein the Supreme Court stated that, “the wife had filed a complaint under section 498A of IPC against the husband, her father-in-law and other relatives, who had been acquitted in that case and the said decision of the acquittal had not been assailed before the higher forum, the allegations on that count were incorrect and untruthful and thus it could be unhesitatingly be stated that such an act creates mental trauma in the mind of the husband as no one would like to face a criminal proceeding of this nature on baseless and untruthful allegations. In this case, also the appellant and his family members have been acquitted since the allegations made in the complaint filed by the respondent and in the proceedings filed by the prosecution were not proved on merits. The said judgment of the learned Magistrate First class has admittedly been upheld by the learned Session Court and by this court. The said judgment, in my view, would squarely apply to the fact of this case.” Furthermore, Justice Dhanuka also observed the judgment and principles, laid down in Manoj Madhukarrao Pate v. Sou. Vijaya Manoj Pate, that, “the wife who had filed a false complaint against the husband and his family members under section 498A of IPC, and the husband and his family members having been acquitted, the husband was entitled to seek divorce on the ground of cruelty under section 13 (1) (ia) of the Hindu Marriage Act, 1955 against the wife.”

Hence, Justice Dhanuka in the present appeal stated that, “In my view, the order passed by the lower appellate Court is totally erroneous and contrary to law laid down by the Supreme Court and this Court holding that if the wife had filed a false case against the husband and his family members in which the appellant husband and his family members are acquitted, it amounted to cruelty and the husband on the said ground was entitled to seek divorce. The impugned order passed by the lower appellate Court thus deserves to be set aside.”

187 2016 (2) AIR Bom. R 173: 2016 (2) ALL MR 551: 2016 (2) DMC 671
188 AIR 2012 SC 2586
189 2015 (1) ALL MR 95
In Narendra v. K. Meena,\(^{190}\) a wife continuously forced her husband to live separate from his family members. It was a case in which the husband was the only person, who was earning and maintaining his family. The wife was interested to spend herself the whole income of her husband. She also leveled fake charges against her husband that he had extra marital relations with their maid. Further, she had attempted to commit suicide by burning herself after pouring kerosene oil, without any reasonable ground. The bench, comprising of Justice Anil R. Dave and Justice L. Nageshwara Rao, after considering the law fixed in Pankaj Mahajan v. Dimple @ Kajal\(^{191}\) and Vijaykumar Ramchandra Bhate v. Neela Vijaykumar Bhate,\(^{192}\) held that such continuous pressure on husband to separate him from his family by his wife is considered to be the cruelty because firstly, in Indian society and ethos, it is very normal that a son is maintaining his parents, and secondly, in this Hindu society, maintaining the parents is a pious obligation of the son. Such husband has the right to demand divorce from his wife, who has leveled fake charges of having extra marital affairs against him, as it is hard to live peacefully along with such wife. It is such husband, who has saved her from committing suicide. As per the bench, “if the wife had succeeded husband, it would have entangled the husband into clutches of law. It is mental cruelty to husband. Only one event was sufficient for the husband to get divorce on the ground of cruelty.” Hence, the order, passed by the High Court of Karnataka, against the appellant, is said to be set aside and quashed.

4.2.1. Daughter-in-law trespassed into the property of her mother-in-law

One of the courts at Delhi has observed and said that those laws, which are provided to women for their protection, are being misused highly in the present scenario against their in-laws.\(^{193}\) The judiciary is bound to prevent such practice across the country. Such observation and statement by the court was made, while providing relief to


\(^{191}\) (2011) 12 SCC 1

\(^{192}\) 2003 (6) SCC 334

a widowed, aged 70 years. Her daughter-in-law had residing illegally after making illegal trespass in to her house. The case showed the mentality of the woman, how she misused the special laws for suppressing the voice of her in-laws and breaking them from inner side. The judicial system never allows such misuse in the society. They surely have to work in this direction so as to prevent these type of malpractices.

In the present case, one lady and her two major children forcibly entered into the property of her relative, i.e. mother-in-law of the lady, at Shastri Nagar (Delhi). After hearing versions of both the plaintiff and the defendants, the court ordered the defendants for peacefully ejecting from the house of the plaintiff within next 06 months. Further, before the ejection, the defendants may reside in the house, but with the condition that they will not dispose off, sell off or part with the possession of the plaintiff. According to the version of the plaintiff, in the year 1983, her daughter-in-law deserted the house of her husband, due to disturbed relations between him and her husband. Her daughter-in-law got a divorce decree in her favour and got separated from her son in the year 1984. But, the situation got worst after the death of her son in the year 2007. After that incident, the daughter-in-law trespassed into her house and started to reside in it.

The daughter-in-law made false version before the court that the plaintiff had neither the documents for supporting her claim towards the ownership of the house, nor she placed it before the court. She further, claimed that she had never taken divorce from her deceased husband in his lifetime. Rather, she had assisted while the house was constructing, so she and her children had the right of ownership over the house. The court after hearing of both the prosecution case and the defendant case, came to the conclusion that the ownership of the disputed house was with the mother-in-law of the defendant and she was also residing in it. So, the court held that it is necessary to order for the ejectment of the defendants from the house of the plaintiff, who was an oldage lady also, so that her right and interests could be protected.
In Kavita Chaudhri v. Eveneet Singh and others, Delhi High Court ordered that, “The woman, who was estranged from her husband, was restrained from taking possession of her mother-in-law’s house in a posh locality in South Extension, New Delhi. Accepting the plea of 54-year-old widow, Kavita Chaudhri, Justice Jayanth Nath passed a decree in her favour, as she claimed that the house in question was gifted her by her father. The court had restrained the daughter-in-law from taking possession of the house, by saying that the defendant no. 1 (daughter-in-law) had no right to continue to reside in the suit property or to disturb the possession of the plaintiff’s (Chaudhri) property in South Extension, New Delhi. There was no merit in the contentions of defendant no. 1. Accordingly, a decree was passed in favour of Chaudhri and against defendant No 1, restraining the defendant No 1, her agents, representatives etc. from entering into premises D-32, South Extension Part-II, New Delhi.”

Further, the facts of the suit was that, “The woman had also argued before the court that her daughter-in-law started claiming right over the property due to matrimonial dispute with her son few months after their marriage in April, 2004. The daughter-in-law had leveled various allegations against her only son and also filed a case before the high court under the Domestic Violence Act against him and family members, according to the widow’s plea. The court rejected the contentions of daughter-in-law and said that they had examined the contentions of defendant no. 1, regarding her alleged rights to stay in the suit property under section 2(s) and 17 of the Domestic Violence Act, 2005; and in their view, the said contentions were wholly without any merits. So, the defendant couldn’t claim any rights in the said suit property.”

In Hamina Kang v. District Magistrate (U.T.), Chandigarh and others, Justice Harinder Singh Sidhu, of the High Court of Punjab and Haryana, while deciding the appeal, considered that, “In Balbir Kaur v. Presiding Officer-cum-SDM, the High Court of Punjab and Haryana held that the exercise of the right under Section 22

194 CS (OS) 505/2010, Decided on Sep 19, 2013.

195 CWP No. 18009 of 2015 (O&M), Decided on Jan. 25, 2016

196 CWP No. 15477 of 2014, Decided on June 29, 2015
regarding protection of right of life or property of a Senior citizen has been conferred irrespective of the fact whether the person who threatens the life or property is related to the senior citizen or not. An application under Sections 21 and 22 against the daughter-in-law was held to be maintainable. In addition to this, in *Gurpreet Singh v. State of Punjab and others*, the High Court of Punjab and Haryana held that a son and his family is a mere licensee living in the property owned by his father on the basis of concession. The license stands terminated, the moment the licensor conveys a notice of termination of the license. Once a senior citizen makes a complaint to the District Magistrate against his son to vacate the premises, on which he is a licensee, such summary procedure will endure to the benefit of the senior citizen.” The court held against the daughter-in-law in the present appeal that, “The petitioner daughter-in-law is directed to vacate the house of her in-laws, i.e. House No. 112, Sector 9-B, Chandigarh within one month from today.”

The courts have interpreted the law in a way, as the need arise in the society. The purpose of the law is to do justice with each and every person within the ambit of it. Under the D. V. Act, it is generally seen that only a lady may file a suit against her husband, father-in-law, mother-in-law, brother-in-law and sister-in-law etc. But according to the courts even a mother-in-law can also sue her daughter-in-law for the domestic violence committed by the latter over the former. In *Hiral P. Harsora and Ors. v. Kusum Narottamdas Harsora and Ors.*, on Oct. 06, 2016, the bench, comprising of Justice Kurian Joseph and Justice R. F. Nariman, of Supreme Court of India, after relying on a long list of rulings, observed that, “Under the Domestic Violence Act, 2005 (D. V. Act), an aggrieved mother-in-law can file complaint against her daughter-in-law. Complaint under D. V. Act can be filed against females whether adult or non adult. The words *adult male* in definition undr section 2 (q) of the Act struck out as these words

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197 CWP No. 25407 of 2015, Decided on Dec. 01, 2015

discriminate between persons similarly situate and far from being in tune with, are contrary to the object sought to be achieved by the Act.”

The bench further, stated that, “The reach of the Act is that violence, whether physical, sexual, verbal, emotional or economic, are all to be redressed by the statute. That the perpetrators and abettors of such violence can, in given situations, be women themselves, is obvious. Definition of domestic relationship contained in Section 2(f) is a very wide one. It is a relationship between persons who live or have lived together in a shared household and are related in any one of four ways: blood, marriage or a relationship in the nature of marriage, adoption, or family members of a joint family. A domestic relationship involves persons belonging to both sexes and includes persons related by blood or marriage. This necessarily brings within such domestic relationships male as well as female in-laws, quite apart from male and female members of a family related by blood.”

In an another instance, an FIR was lodged against Rahul Gandhi, eminent person of Congress Party, in a matter, where a woman kissed him in an assembly in Assam and later on her death. Along with Rahul Gandhi, contemporary Chief Minister of the state, Tarun Gogoi, and State President, B. Kalita was also made accused in the FIR, reported by Nari Mukti Sangram Samiti. Samiti alleged that those three persons did not take sufficient step to prevent women party workers to kiss Rahul, and after which, one of those women was murdered by her own husband. Although the police was denying that the woman, who was murdered, had ever kissed Rahul. The FIR was lodged under S.354 and S.306, IPC. Under S.306, IPC, the matter is related to the abetment of suicide. FIR stated that after kissing Rahul, the woman had a dispute with her husband. Later on, she committed suicide by burning herself. The FIR also stated that regular telecasting of that kissing scene on television was the reason behind the dispute between the spouses.

Similar was the case when Sarabjit Singh was taken into custody and kept in Tilak Nagar Police Station (Delhi) for the charges under s. 354-A and s. 509, IPC. Those

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charges were made by a student of Delhi University, Jasleen Kaur, on 24 August, 2015. According to her post on facebook, “A man made obscene comments at me today (Sunday, 23 August, 2015) at around 8 p.m. near Aggarwal, Tilak Nagar (Delhi). He was on a silver Royal Enfield, vehicle number DL 4S CE 3623. When I told him I am clicking his picture and I'm going to file a complaint against him, he responded by posing for a picture and said, "Jo kar sakti hai kar le. Complaint karke dikha, fir dekhiyo kya karta hun main (Do whatever you like. Complain and see what I do then)."

But, according to the mother of Sarabjit, “The charges against my son are completely false. My son hasn't harassed her, he hasn't done anything. My son was standing at the red light and the girl claimed that she was an Aam Aadmi Party leader and was trying to manage traffic and explaining the rules and regulations. My son was standing in the left as he had to take a left turn......so immediately she clicked his picture and when he retaliated she put up his picture on Facebook. We were shocked that such a minor incident has been blown out of proportion by a girl, who is not at all known to our family. My son came and told me everything. She just wants to defame my son so that his career gets affected." Meanwhile, Chief Minister of Delhi, Arvind Kejriwal, justified the act of the girl and congratulated her by tweeting, “Congratulate @jasleenkaur89 for her bravery. Girls of Delhi should follow her and speak up against such unacceptable acts.” The case was pending in the Delhi court.

As the crimes against women are rising in India, women are coming towards the crimes with the same speed. According to the fresh information, at least 06 women are arrested daily for the various offences in the National Capital region, Delhi. According to the news published in the Dainik Hindustan newspaper, as the graph of crimes is rising in Delhi, involvement of women in those crimes is also rising with the same speed. Average 06 women are arrested daily in Delhi for involvement in crime. Women are being arrested for serious offences, like murder, attempt to murder, rape, theft, cheating etc. According to the records of Delhi Police, in the crimes against women also, like rape, women are performing important role, which is a serious matter. In 2013, 66 women were arrested by Delhi Police, who were involved somehow in the offence of rape. In 2013, role of women
in such type of offences was increased by 50 percent in comparison to the offences committed in 2012.

4.3. Game of “harassment of men” is running in the name of women

Under the shelter of s. 498A, I.P.C. and the Dowry Prohibition Act, the middle men and the old age ladies are also exploiting the rights of men, while these laws have explicit provisions that the matters of harassment for dowry can be taken before the court only within 7 years of the marriage. The effect of the misuse of these laws can also be seen on the culture of joint families. S. 498A provides the protection to married women. The provision is effective to prevent the case of exploitation of women by the side of men. There are more than 5000 cases pending before the court at Araria (Bihar) under the above said laws. One lady, named as Suman Devi, reported a case against her husband and in-laws for exploiting her for the demand of dowry on 02nd Sep., 2012 under FIR No. 200/12.201 The lady was the mother of three girls and one boy. The police station also recorded the matter under s. 498A, I.P.C. and s. 3 and 4 of the Dowry Prohibition Act, while the lady herself had admitted at that time that she was married before 16 years ago. Those provisions were not applicable to her case, as she was married much before 07 years, but the lady had misused those laws and the police had also supported her by recording the said FIR.

Same was the case many years before under Kursakanta Police Station, where a lady, aged 85 years, reported the case under s. 498A against her husband, Dulai Shah, alongwith some other persons. The court had taken cognizance of the case and during the proceedings before court, the husband had also to remain in jail. The court became serious after hearing the arguments for granting bail. The court granted the bail to the husband, mentioning that s. 498A should not be misused at any cost. In the eyes of the court, the said provision is non-bailable, and non-compoundable and the offence is a non-cognizable offence. Under the shelter of this provision, ladies are taking revenge from their enemies. One can also see the role of the police on the other side. The procedure for making arrest of the persons implicated in the FIR speeds up, before the completion of the investigation after recording of FIR. Middle men are also active

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201[www.readwhere.com](http://www.readwhere.com), Last visited on Sep 12, 2012.
for settling the cases relating to dowry. Ladies generally put the condition of money and land or any other property in their own name for becoming hostile and compromising in the court.

Allahabad High Court had given a logical reasoning in such type of cases. In Ashok Kumar Sharma v. State of U.P., Justice Om Prakash-VII, of the High Court of Uttar Pradesh, stated that, “In the factual matrix of the present case if the ingredients of abetment is traced it is clear that abetment involves the mental process of instigating person or intentional aiding that person in doing of a thing in matrimonial cases before invoking the provision of Section 306 IPC. In such type of cases, it is necessary to establish that first deceased committed suicide and second was subjected to cruelty within the meaning of Section 498A IPC. Only in the event these facts are established a presumption can be drawn. In the instant matter prosecution could not prove that deceased was ever subjected to cruelty or harassment by the accused appellant. In the absence of proof of such ingredients presumption for committing the offence under Section 306 IPC could also not be raised in the present matter. As far as applicability of Section 106 of the Evidence Act is concerned the burden of proving the fact specially within the knowledge of a person lies upon him. Since no presumption could be raised taking recourse of provision of Section 113A and 113B of the Evidence Act and there is no charge against the accused appellant for the offence under Section 302 IPC, therefore, no question arises for the accused appellants to discharge the burden as required under Section 106 of the Evidence Act. Certainly, injuries were found on the body of the deceased but this fact alone is not sufficient to raise presumption taking recourse of provisions of Section 106, 113A and 113B of the Evidence Act specially when it has come in the evidence that there was no dispute between the husband and wife (deceased). No quarrel took place between them. Other appellants were living separately from the deceased and her husband. On the day of the incident accused appellant Ashok Kumar Sharma was also not present in the house as is clear from the evidence itself. Thus on the basis of analysis made herein above, this Court is of the opinion that trial court finding on the point of holding guilty to the accused appellants for the offence under Section 498A, 304B IPC and Section 3/ 4 D.P. Act is not in accordance with the evidence and law and the same is not sustainable and the appeals filed by the appellants are liable to be

allowed. Thus, the judgment and order dated 22.2.2012 passed by the Additional District Judge, Court No. 6, Bareilly is liable to set aside and is hereby set aside.”

A lady, resident of Adarsh Nagar, Ballabhgarh (Haryana), complained to the police on 17th July, 2014 that she had been raped by a person.\(^{203}\) After receiving the complaint, police started the investigation. Police found that the lady had two children and she was living separate from her husband. The person, on whom the lady had alleged the charge of rape, had been residing with her for last 10 years, without being married.

In *Jwala Prasad v. State of Chhatisgarh & Ors.*,\(^{204}\) an appeal was made against the order of the High Court of Chhatisgarh, in which the appellant was awarded with the punishment of rigorous imprisonment of 10 years in a case under s. 304-B and 498A, I.P.C. On June 08, 2016, the bench, comprising of Justice Pinaki Chandra Ghose and Justice Amitava Roy, of Supreme Court of India held that the prosecution has no sufficient evidence to prove the offences against the appellant that he had committed cruelty and harassment against the deceased lady before her death for the want of dowry. The lower courts had awarded punishment against the appellant mere on inferences, and not on the basis of evidences. There is no reason before the bench to uphold the judgment of the High Court of Chhatisgarh, convicting the appellant. So, the order of conviction of the High Court is ordered to be set aside and the appellant is acquitted from the charges leveled against him.

In *K. Srinivas v. K. Sunita*,\(^{205}\) while relying on the judgment in *K. Srinivas Rao v. D. A. Deepa*,\(^{206}\) on Nov. 11, 2014, the bench, comprising of Justice Vikramajit Sen and Justice Prafulla C. Pant, of the Supreme Court of India held that, “If a false criminal complaint is provided by a woman for obtaining relief on the grounds of cruelty and harassment, the evidence required should be such that the same is corroborated by the statements of any other person according to the nature of the case, as per Section 498A.”

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\(^{203}\) [www.indiapress.info](http://www.indiapress.info), Last visited on July 19, 2015.

\(^{204}\) 2016 (3) Cri. CC 689: 2016 (3) ACJ (SC) 121


preferred by either spouse it would invariably and indubitably constitute matrimonial cruelty, such as would entitle the other spouse to claim a divorce. Although, irretrievable breakdown of marriage as a ground for divorce has not found statutory acceptance till date, but under Article 142 of the Constitution, the Supreme Court has plenary power to pass such decree or make such order as is necessary for doing complete justice in any case or ordr pending before it. This power, however, has not been bestowed by our Constitution on any other Court. If during the pendency of divorce petition in the court by the husband, the wife filed false criminal complaints against her husband and his family members, and later on, if the latter were acquitted in such criminal case, then such filing of false complaints by wife is deemed to be cruelty. Hence, the husband is granted with the decree of divorce on such ground of cruelty.”

4.4. Loopholes of Indian authorities

Apex court said that, “the country's anti-dowry law is being misused by disgruntled wives, but the fault for the misuse doesn't lay solely with the women, but also with law enforcement agencies. The practice of the bride's family giving cash, furniture or jewelry to the groom's family, as a help to cover marriage expenses, otherwise known as dowry, has been part of Indian society for centuries. Although, outlawed in the 1960's, the age-old custom persists, leaving women vulnerable to harassment, beatings and even worse in the case of a dispute. In order to safeguard women from such abuses, the so-called anti-dowry law was introduced in 1983. According to India's National Crime Records Bureau, over 8,200 women were killed still across India in 2012 due to disputes over dowry payments given by the bride's family to the groom or his family. Moreover, the conviction rate for such crimes remained at 32%. But, India's Supreme Court ruled on July 1, 2014 that anti-dowry regulations were now being increasingly used as weapons, rather than shields by disgruntled wives and ordered the police to follow a nine-point checklist before arresting anyone on a dowry complaint. Out of 100 investigated cases under section 498-A of the Indian Penal Code, only in two cases are the accused convicted. In most of the cases, where there is an acquittal at the District Court, the matter is not taken up

207 A Toothless Tiger: A Critique of Family Court, Flavia Agnes
by higher courts. Only when there is a conviction at the lower courts are the cases taken to higher courts.”


There are so many reasons, why s. 498A is considered as opposite to the prevailing system of our society in India. Some are following -

A. It is handled under the Criminal law for marriage related matters and not under Civil Laws.
B. Non-bailable warrant does not require proof before arrest. No investigation necessary. This exposes the vulnerability of the accused taking away their basic human rights.
C. Even those, who were not part of the 'day-to-day' family life, could be named and arrested on one complaint, which can also include pregnant women and children.
D. Accused is presumed guilty, until proven innocent. Nowhere in the world is it so.
E. It is non-compoundable, which means that the complaint can’t be taken back that hinders any scope of reconciliation between the couple.
F. Old parents, who lived with dignity and respect, have to live with the stigma of harassing their daughter-in-law for the rest of their lives.
G. Groom’s relatives don’t find a suitable bride after they are accused under s. 498A, I.P.C.
H. Most of the cases are filed because the husband refuses to throw his parents out of the house at the wife’s demands.
I. Husband’s job is at risk, when he is accused under s. 498A, I.P.C., who could even be the only breadwinner of the family.
J. The health of the old parents dangerously deteriorates, after they are arrested in s. 498A, I.P.C. case.
K. Some even commit suicide for not able to withstand the depression and frustration of been falsely accused.
L. The possibility of a woman over-reacting on a trivial matter in the family is never considered as a reason of complaint.
M. A woman tries to get divorce proceedings faster by filing s. 498A case, even if no dowry was demanded.

N. Some women marry an NRI and slap a s. 498A case only to extort large sum of money. In an incident, “Shoaib Malik reportedly gave Rs. 15 Crores (approx 3 million USD) to Ayesha Siddique for putting an end to their dispute, after she files a complaint under s. 498A, I.P.C. So, it is clear that the whole drama was for money and nothing else from the very beginning. Out of court settlements under threats of jailing under s. 498A, I.P.C. are unconstitutional misuses of powers given to police. Marital disputes are civil disputes. They have to be solved in a civil court or a family court. If marriage disputes are crimes, then marrying in itself is a crime. Whether Shoaib’s marriage was valid or not, it was up to family court at Hyderabad to decide. Now, the police have acted as courts; dispensed justice by being actors in the dispute, in the settlement process and even created a hostage situation that forced Shoaib to give divorce, without anyone verifying, if his telephone marriage was valid or not in the first place.”

O. Even after knowing that the complaint can be false, police tend to support the woman and asks the man to settle the case with a financial compensation.

P. There is no prohibition clause in the s. 498A law that would stop women to misuse it.

Today, there is a growing tendency to convert every marital dispute into a criminal offence of cruelty or dowry harassment. Instead of using family courts, men are dragged to police stations or crime against women cells. In Angoori Devi & Anr. V. State, the bench, comprising of Justice G. S. Sistani and Justice Sangita Dhingra Sehgal, of the High Court of Delhi, while deciding the appeal in a matter of s. 498A, 302 and s. 34, I.P.C., relied upon the principles followed in various cases of Rafique @ Rauf & Others v. State of U.P., Dhan Singh v. State of Haryana, Sri Bhagwan v. State of U.P., Amar Singh v. State of

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209 2013 (7) SCALE 708

210 (2010) 12 SCC 277

211 2012 (11) SCALE 734
Rajasthan, \textsuperscript{212} State through CBI v. Mahender Singh Dahiya, \textsuperscript{213} Ramesh Harijan v. State of U.P., \textsuperscript{214} Rajiv Singh v. State of Bihar and Ors. \textsuperscript{215} and Raj Kumar Singh @ Raju @ Batya v. State of Rajasthan\textsuperscript{216}; and stated that, “Since in the present case, the genesis of the entire quarrel between the parties was demand of dowry and there is no specific allegation against the appellant, the analysis of the entire evidence would show that the name of the appellant was included by the deceased on account of tutoring and with a view to rope in all the family members. Resultantly, the judgment of the trial court is set aside. We are informed that the appellant is already on bail. Let the bail bonds be cancelled.”

It is generally said that, “When a marriage breaks, there will be pain and a lot of tears for both men and women. These side effects of marriage dispute must not be considered as crime against women. The duty of Indian police is to fight crime. It is not their duty to work as agents of women to issue threats of arrest, jailing or seizure of passports to facilitate exorbitant alimonies. At a time, when gay sex and premarital sex is considered legal by Government, it is unfortunate if all marital disputes are considered as crime against women by men and instead of solving these disputes in Family Courts, police threats and draconian laws are used to force out of court settlement. This is same as legalizing extortion by trampling the very process of justice. Who is not afraid of jail, seizure of passports and defamation in society?

Criminal Laws must not be used as instruments of blackmail. Government must scrap s. 498A, I.P.C. as soon as, so that this entire extortion racket can stop. Government has to do this before passing other laws or amendments or taking any other policy decision. Scrapping s. 498A, I.P.C. will put an end to all this extortion under police threats. While the existing Dowry disputes and Domestic Violence disputes can be taken care of by Dowry Prohibition Act and Domestic Violence Act. In its latest judgment, the Supreme Court of India has also cleared the picture that

\begin{itemize}
  \item \textsuperscript{212} 2010 (3) ACJ 258 (SC)
  \item \textsuperscript{213} AIR 2011 SC 1017
  \item \textsuperscript{214} AIR 2012 SC 1979
  \item \textsuperscript{215} 2016 (1) ACR 510
  \item \textsuperscript{216} (2013) 5 SCC 722
\end{itemize}
women are misusing the laws on large scale. In **K. V. Prakash Babu v. State of Karnataka**, the bench of Justice Dipak Misra and Justice Amitava Roy while hearing an appeal, stated that “The instant appeals reveal a factual score that has the potentiality to shock a sensitive mind and a sincere heart, for the materials brought on record show how suspicion can corrode the rational perception of value of life and cloud the thought of a wife to such an extent, that would persuade her to commit suicide which entail more deaths, that is, of the alleged paramour, her mother and brother who being not able to emotionally cope up with the social humiliation, extinguish their life spark; and ultimately the situation ropes in the husband to face the charge for the offences punishable under Sections 302 and 498A of the Indian Penal Code (IPC) read with Section 3 of the Dowry Prohibition Act, 1961. As the facts would unveil, the husband gets acquitted for the offence under Section 302 IPC but convicted in respect of other two charges by the trial court. In appeal, his conviction under Section 3 of the 1961 Act is annulled but success does not come in his way as regards the offence under Section 498A IPC. And the misery does not end there since in the appeal preferred by the State, he is found guilty of the offence under Section 306 IPC and sentenced to suffer four years rigorous imprisonment and to pay a fine of Rs. 50,000/- to be given to the father of the victim with a default clause. In the course of our adumbration and analysis of facts, it will be uncurtained, how the seed of suspicion grows enormously and the rumours can bring social dishonor and constrain not so thick skinned people who have bound themselves to limitless sorrow by thinking it is best gift of God to man and choose to walk on the path of deliberate death. A sad incident, and a shocking narrative, but we must say, even at the beginning, the appellant-husband has to be acquitted regard being had to the evidence brought on record and the exposition of law in the field.”

Further, the bench, while referring the judgments in case of **Ghusabhai Raisangbhai Chorasiya v. State of Gujarat**, **Giridhar Shankar Tawade v. State of Maharashtra**, 219

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Gurnaib Singh v. State of Punjab220 and Pinakin Mahipatray Rawal v. State of Gujarat221, said that, “The concept of mental cruelty depends upon the milieu and the strata from which the persons come from and definitely has an individualistic perception regard being had to one's endurance and sensitivity. It is difficult to generalize but certainly it can be appreciated in a set of established facts. Extramarital relationship, per se, or as such would not come within the ambit of Section 498A IPC. It would be an illegal or immoral act, but other ingredients are to be brought home so that it would constitute a criminal offence. There is no denial of the fact that the cruelty need not be physical but a mental torture or abnormal behaviour that amounts to cruelty or harassment in a given case. It will depend upon the facts of the said case. To explicate, solely because the husband is involved in an extramarital relationship and there is some suspicion in the mind of wife, that cannot be regarded as mental cruelty which would attract mental cruelty for satisfying the ingredients of Section 306 IPC. We are absolutely conscious about the presumption engrafted under Section 113A of the Evidence Act. The said provision enables the Court to draw presumption in a particular fact situation when necessary ingredients in order to attract the provision are established. In this regard, we may reproduce a passage from Pinakin Mahipatray Rawal: Criminal law amendment and the rule of procedure was necessitated so as to meet the social challenge of saving the married woman from being ill-treated or forcing to commit suicide by the husband or his relatives, demanding dowry. Legislative mandate of the section is that when a woman commits suicide within seven years of her marriage and it is shown that her husband or any relative of her husband had subjected her to cruelty as per the terms defined in Section 498A IPC, the court may presume having regard to all other circumstances of the case that such suicide has been abetted by the husband or such person. Though a presumption could be drawn, the burden of proof of showing that such an offence has been committed by the accused under Section 498A IPC is on the prosecution. We have reproduced the aforesaid passage only to highlight that the Court can take aid of the principles of the statutory presumption. In the instant case, as the evidence would limpidly show, the wife developed a sense of suspicion that her husband was going to the house of Ashwathamma in Village Chelur where he got involved with Deepa, the daughter of Ashwathamma. It has come

on record through various witnesses that the people talked in the locality with regard to the
involvement of the appellant with Deepa. It needs to be noted that Deepa, being not able to
digest the humiliation, committed suicide. The mother and the brother of Deepa paved the same
path. In such a situation, it is extremely difficult to hold that the prosecution has established the
charge under Section 498A and the fact that the said cruelty induced the wife to commit suicide.
It is manifest that the wife was guided by the rumour that aggravated her suspicion which has no
boundary. The seed of suspicion planted in mind brought the eventual tragedy. But such an event
will not constitute the offence or establish the guilt of the accused-appellant under Section 306 of
the IPC. Having said that we intend to make it clear that if the husband gets involved in an
extramarital affair that may not in all circumstances invite conviction under Section 306 of the
IPC but definitely that can be a ground for divorce or other reliefs in a matrimonial dispute under
other enactments. And we so clarify. The conviction under Sections 306 and 498A of the IPC is
set aside. The appellant be set at liberty unless his detention is required in connection with any
other case.”

Indian Supreme Court warned of legal terrorism due to misuse of s. 498A, I.P.C. and said
that the role of the investigating agencies and courts is that of a watchdog and not of a
bloodhound. It should be their effort to see that an innocent person is not made to suffer on
account of unfounded, baseless and malicious allegations. The existence of dowry deaths in the
rural areas is not the reason for lenient laws as understood by women organizations. The law is
already unfair, biased and inapplicable. The true reason for dowry deaths in rural areas is poverty
and under-developed civilization. Unwillingness of the women’s organization to alter the law so
that misuse of law can be stopped is evident. On the contrary, women organizations are planning
to strengthen and increase the severity of the s. 498A, I.P.C. law to curb dowry death, which is
absolutely preposterous. If the misuse of laws still continues then the social infrastructure will
collapse which will have a direct unfavorable impact on the country’s economy. If the law can’t
curb dowry deaths, can’t even stop misuse, then what is the use of such a law that causes
millions of people to suffer?”

4.6. Section 498A of I.P.C. and its misuse against husband
S. 498A was enacted to empower women against harassment for dowry and domestic violence. Now-a-days, the cases of misuse of this provision have become a daily routine. It is sad to say that the Supreme Court in the historical case of **Sushil Kumar Sharma vs. Union of India**[^222] has condemned s. 498A as ‘Legal Terrorism’. Wife frequently misuse s. 13 (1) (ia), the Hindu Marriage Act, 1955 to harass the husband, this section provides for cruelty as the ground for divorce. Around 5,35,237 cases under s. 498A, I.P.C. were lying undecided in various courts all over the country till December, 2015. In total 11,63,732 persons were entangled as accused and falsely implicated in those cases, excluding Punjab and Haryana High Court.[^223] This calculation makes it apparent that the situation of family matters is degrading regularly.

In **Suman v. Mukesh**,[^224] a complaint was lodged by the complainant lady under s. 498A, 323, 406 and 506, I.P.C. against her husband. Trial court did not found any substance in the prosecution case and ordered for acquitting the accused from the said charges. The complainant lady filed an application under s. 378 (4), Cr.P.C. to take permission of the trial court for making an appeal to the High Court, which was dismissed. Further appeal was made to the High Court of Punjab and Haryana against the order of acquittal of the trial court. Justice Daya Chaudhary of the High Court of Punjab and Haryana stated in the present case that, “Limited scope is there to interfere with the judgment of acquittal, unless it is proved that the findings recorded by the trial Court is contrary to the evidence or the trial Court has not appreciated the evidence available on record. In case, two views are possible, one view accepted by the trial Court, if goes in favour of the accused, then the benefit goes to the accused. Complaint filed by the applicant under sections 498A, 323, 406 and 506 of I.P.C. has been dismissed and the accused/respondent has been acquitted of the charge. Neither any demand nor any entrustment of dowry or causing any injury to the applicant has been proved. Acquittal, held proper.”

In one other case, in **Indu Bala v. Vipin Sharma**,[^225] the bench, comprising of Justice Rajive Bhalla and Justice Rekha Mittal, of the High Court of Punjab and Haryana, decided the

[^222]: (2005 (6) SC 266

[^223]: 243rd Report of Law Commission on Section 498A, I.P.C.

[^224]: 2016 (3) R.C.R. (Criminal) 795 : 2016 (3) Cri.CC 768

appeal by stating that, “The learned trial Court in paras 15 to 18 has discussed the material on record, adduced by the appellant (wife) but concluded in para 19 that the appellant has not been able to substantiate the allegations of cruelty either in respect of demand of dowry or consequent maltreatment. On a careful consideration of pleadings of the parties, statement of the appellant and her father and the discussion / observations recorded in paras 15 to 18 of the judgment of the learned trial Court, we are unable to accept the contentions of the appellant that the findings recorded by the learned trial Court are either the result of wrong reading of evidence or non-application of mind. The learned trial Court has noticed that the appellant in the petition has made reference to certain dates when she was allegedly given beatings, the dates on which the matter was reported to the police and was compromised but in her statement on affidavit in examination in chief, she for the reasons best known, has not made reference to any of the dates. As per plea of the appellant, she was given beatings on 07.12.2005, 10.12.2007 and the matter was reported to the police but the respondent and his family members confessed their guilt and compromise was reduced in writing. She did not produce any document either in regard to information to the police or the respondent and his family members having confessed their guilt or a settlement by way of compromise having been reduced into writing. As is well known, it is very easy to level allegations but it is difficult to substantiate the same. The appellant failed to adduce tangible, cogent and convincing evidence to establish her plea that she was subject to cruelty of the kind that can constitute a ground for a decree of divorce. We would hasten to add that it appears that as the appellant has done 10+2 and a course of beautician whereas the respondent (husband) is illiterate and was residing in the village, the appellant was not feeling comfortable during her stay in the matrimonial home and for that reason she even raised a demand for separate residence in the city. Admittedly, the parents, brother and the uncles of the appellant are facing criminal trial for offence punishable under Section 326 IPC for inflicting injuries to the respondent (husband). The learned trial Court, on a detailed consideration of the pleadings of the parties, evidence adduced by the appellant has correctly recorded a positive finding that the appellant (wife) has failed to establish that she was subject to cruelty in the matrimonial home and therefore, negate her plea for grant of a decree of divorce. We do not find any error much less illegality in the findings recorded by the learned trial Court. The mere fact that the respondent (husband) did not pay maintenance pendente lite before the trial Court as resulted in denying him to raise any defence or adduce any evidence, is not sufficient to record a
finding that the respondent is guilty of cruelty and the marriage of the parties is liable to be dissolved. In view of what has been discussed hereinabove, finding no merit, the appeal is dismissed.”

In addition to this, in an another case, Ashok v. State of Maharashtra,\textsuperscript{226} in which the High Court of Bombay, Nagpur Bench in Criminal Appeal No. 296 of 2010 upheld the conviction of the accused husband under s. 302, 201 and 498A, I.P.C., the bench, comprising of Justice Pinaki Chandra Ghose and Justice N. V. Ramana, of the Supreme Court of India, acquitted the accused husband from the said charges. The bench, comprising of the Supreme Court of India considered a lot of judgments before deciding this appeal. The bench observed the theory of “last seen together”, as was enumerated in Trimukh Marotiu Kirkan v. State of Maharashtra,\textsuperscript{227} in which it was stated that, “an accused is alleged to have committed the murder of his wife and the prosecution succeeds in leading evidence to show that shortly before the commission of crime they were seen together or the offence takes place in the dwelling home, where the husband also normally resided, it has been consistently held that if the accused does not offer any explanation how the wife received injuries or offers an explanation which is found to be false, it is a strong circumstance which indicates that he is responsible for commission of the crime. Thus, the doctrine of last seen together shifts the burden of proof on the accused, requiring him to explain how the incident had occurred. Failure on the part of the accused to furnish any explanation in this regard, would give rise to a very strong presumption against him.” The bench took into consideration the observation made by the court in Harivadan Babubhai Patel v. State of Gujarat\textsuperscript{228} and Kanhaiya Lal v. State of Rajasthan\textsuperscript{229} that, “the circumstance of last seen together does not by itself and necessarily lead to the inference that it was the accused who committed the crime. There must be something more establishing the connectivity between the accused and the crime. Mere non-explanation on the part of the accused by itself cannot lead to the proof of guilt against the accused.” After concluding all the facts,

\textsuperscript{226} Criminal Appeal No. 2224 of 2011, Decided on March 11, 2015.

\textsuperscript{227} (2006) 10 SCC 106

\textsuperscript{228} (2013) 7 SCC 45

\textsuperscript{229} (2014) 4 SCC 715
arguments and various judgments, the bench reached at the conclusion that, “We find no merit in the Trial Court’s reasoning in finding the facts that accused asked his colleague to prepare dinner, filing missing report on the next morning and leaving the family at HP Gas Agency as incriminating pieces of evidence. The accused could have asked his friend and colleague to prepare dinner in normal course as he would have got late in returning from Wadsa. Further, it was but natural for the accused to search and try to find out his family even before he would go to the police. We do not find it was unnatural to have registered a missing report the very next morning. Also, leaving wife and two daughters at HP Gas Agency is not so unusual and would depend from person to person. With respect to previous incidents, all that is proved is demand of dowry by the in-laws and the accused/appellant. The allegation that husband would not sleep with the deceased wife when his parents would visit, is the only allegation against the accused-appellant. From the above discussion, we conclude that the prosecution has not brought any clinching evidence in support of last seen together theory so as to shift the burden of proof on the accused-appellant. In light of this, the prosecution has evidently failed to prove the guilt of the accused/appellant beyond doubt. Therefore, the appeal is allowed and the judgment and order passed by the High Court as also by the Trial Court, convicting the accused husband under the above stated charges, are set aside. The appellant is directed to be released forthwith, if not required in connection with any other case.”

A bench, comprising of the Supreme Court, comprising Justice C. K. Prasad and Justice P. C. Ghose, said, “harassment of husband and his relatives is very easy task by misusing the dowry prohibition law and s. 498A, I.P.C.230 These provisions are misused by the disgruntled housewives, as a “weapon” to harass their husbands. There are many cases, in which grandfather and grandmother of the husband, who are on bed rest, or sisters of the husband, who are residing in foreign, are made accused under the above said law”. The bench also said, “If the police officer or the magistrate will fail to follow the directions, issued by it for these types of cases, then the proceedings for the contempt of court or departmental proceedings will be started against him”.

Further, in the case of *Savitri Devi v. Ramesh Chand & Ors.*,\(^{231}\) the court held apparently, “There was a misuse and exploitation of the provisions to such an extent that it was hitting at the foundation of marriage itself and proved to be not so good for health of society at large. The court believed that authorities and lawmakers had to review the situation and legal provisions to prevent such from taking place.”

According to the bench, “Even after the six decades of independence, police has not changed its image and the “arrest” is used as the weapon of harassment and torture on large scale. Arrest of the accused should not be made only when the offence is non-bailable or cognizable, but in that situation, concerned police officer should have to take the decision within the limits of the law. Any person should not be arrested automatically under the dowry prohibition law and s. 498A, I.P.C.\(^{232}\) Arrest should only be made in exceptional conditions, where there are chances of the accused fleeing, not cooperating in the investigation or tampering with evidence”. In July, 2014, women’s rights activists were gusted from the above observation and saying of the bench, comprising of the Supreme Court of India. The bench made the reference of the data of “Crime in India 2012 Statistics” published by National Crime Record Bureau (N.C.R.B.), while making the comments that husband’s mothers and sisters were easily included in the fake cases under dowry prohibition law and s. 498A, I.P.C. According to N.C.R.B., in 2012, in 93.6% of the cases, the conviction rate was only 15%. Out of 3,72,706 pending cases in various courts, 3,17,000 resulted in acquittals. That showed that fake cases were being filed. The bench felt strange on the increase in the number of fake cases of harassment for dowry and of 498-A. Further, the bench said, “These laws are used as weapons in the modern time. Lower classes did not benefit from S. 498A, I.P.C. On the other hand, middle and upper classes misused it to get settlements or maintenance. The arrests, prompting the in-laws to settle rather than fight”.

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\(^{231}\) 2003 Cr.L.J. 2759, 104 (2003) DLT 824

After seven long years of marriage, she complained that her husband was impotent. Everyone was shocked at that time that after seven years of marriage, a lady alleged such serious allegations on her own husband, mother-in-law and other in-laws. MBA passed lady made recorded an F.I.R. into police station against husband, mother-in-law and other in-laws. After coming into picture of that case, police itself was in confusion and started investigation to find out the truth and sorting out the matter. Lady said that she was being cheated. She was being married from Mathura to Govindpuram (Ghaziabad, Uttar Pradesh) in 2007. After some days of marriage, she got to know about the impotency of her husband. When she talked about that, she was tortured. Lady alleged that due to impotency of her husband, she was losing her life. On the other hand, when she told her mother-in-law and in-laws about the impotency, her mother-in-law asked her to had sex with some other man. Not only had that, after hearing her, her in-laws started torturing her. Further, her mother-in-law asked her often to have relations with some other man. On hearing her mother-in-law, the lady got annoyed and went to her paternal home.

Manu Kumar, resident of village Kathan Loknathpur, under Mufassil police station, complained against his wife in the police station on 04th June, 2014. In his complaint, he alleged against his wife that she was threatening his whole family for being entangled in the case of her suicide. According to his complaint, Manu was married to Suman, daughter of Ram Pyare, resident of Chatauni Badabariyarpur in the year 2012. After marriage, Suman came to her in-laws home, but denied to spend the matrimonial life with Manu, as she did not like him. A meeting of panchayat was also held in that concern, in which it was decided that if the bride and groom wanted to live separate with their own wish and will, then they could do so. After agreeing on the decision of panchayat, Suman went to her parent’s home. After passing of some time, she came to know that Manu was going to marry second time. She returned to Kathan Loknathpur, and openly threatened Manu and his family that she would entangle all of them in the case of her suicide. After the threatening, Manu and his family was in terror, that’s why he reported the matter to the police station.


234 www.2inspirelife.net, Last visited on June 06, 2014.
In addition to this, in *Krishan Lal v. Nirmal Singh and another*, Justice Anita Chaudhry, of the High Court of Punjab and Haryana, while deciding an appeal against the order of acquittal of the accused, also held that, “The accused had been charged under Section 306 IPC. None of the ingredients of the offence of abetment of suicide are available in the case. No witness has spoken about the steps taken by the accused regarding instigation by him for committing suicide. In fact, the complainant had no information nor he suspected any foul play. It was only after the report of the FSL that the FIR was lodged which implies that the deceased had not disclosed anything to her parents. They did not know, therefore, it means that the deceased had not indicated about the husband's relationship. It is on hearsay that the FIR had been lodged. The deceased had not complained to her father regarding ill treatment or harassment. There is no evidence of torture or ill treatment. A reasonable nexus had to be established between cruelty and suicide which in this case is lacking. I find no evidence to take a view contrary to the one taken by the Court below. The order is neither perverse or illegal nor can it be said that the trial Court had ignored the evidence. The appeal is dismissed.”

In another case, Jabalpur High Court in a very important matter, said, “In todays era, in-laws are entangled in the cases of harassment for dowry just to take the revenge by the brides, who are distressed from the misbehavior of their husbands”. The single bench, comprising of the high court of Justice Anil Kumar Sharma dismissed a case running in a court at Bhopal against the relatives of the husband, saying it the misuse of the judicial system. The court made it clear that the case of harassment for dowry run only against the husband and not against his relatives. In that case, Kanchan, resident of Sagar (M.P.), was married to Pradeep, resident of Bhopal (M.P.) on 21\textsuperscript{st} January, 2009. After the marriage, rift remained in between the couple. Due to which, Pradeep left his parental home and started to live with his wife. Later on, Kanchan went to her parental home for the delivery and never returned. On that incidence, Pradeep filed a petition for divorce at Bhopal court. In return, Kanchan complained against her husband and in-laws in the women police station at Bhopal.

\footnotesize{235 Crl. Appeal No. S-2409-SB of 2013 (O&M), Decided on Jan. 15, 2016.}

\footnotesize{236 www.indiapress.info, Last visited on Jan 15, 2010.}
4.6.1. Modern trend of marriage

As all knows that many years ago, marriage meant the strong relation between the two families. That relation was made after collecting the information and proper understanding by the elderly persons from both the families. Family of the girl took initiative, and after the consent from both families, marriage was consummated. Later on, the era of internet came, and after that the era of matrimonial website came. For the online marriage of bride and groom through those matrimonial websites, some websites were created, in which both the parties could give their online advertisement. Shaadi.com, Jeevansathi.com are few of them. Here, many people get registered themselves. People start their searching after filling their details and creating profile. Mostly profiles are created in such a way that the information shown, seems to be good and attractive, even that has no relation with the practicality, and actually totally fake and false. Now, both the bride and groom fix their standards for their would be partner. Groom want that the girl should be beautiful and who will run his house properly. Apart from that she may work in the groom’s house or not, will depend on her own wish and will. Bride has her own standards and they are countless also. She want that the groom should earn Rs. 25-30 lakhs per annum or more; he should has the property of crores in his own name; house should be in posh colony and that posh colony should also be in some metropolitan city; he should possess big car; there should be servants at his home for doing household works, so that the wife can pass the orders and do herself nothing; he should take her to theatre for watching cinema, to malls for shopping; he should spent a lot on her jewellery; and last but not the least, after the marriage, he should take her to foreign country for the honeymoon, because she has not ever visited the foreign country. She also wants that her husband should gift her diamond ring, necklace, gold bangles etc. along with the mangalsutra. The most important demand of the maximum wives is that after the marriage, her in-laws will remain away from her home, so that there will be no one at the home, who will ever interfere in her household works.

Further, after the marriage and honeymoon at some foreign place, as the time passes the actual picture of the girl becomes clear. She doesn’t work in the home, and
make excuses that she has no knowledge about the work. If her in-laws ever try to teach about the work, then she becomes smart and get the work done by the in-laws itself. After that she goes to her parent’s home along with all the jewellery, and then orders her in-laws for the money in cash. She also tells to her husband to take her back, and come only with a necklace, otherwise she will not return. Husband somehow fulfill her all the demands, and keep her happy. Now, she starts demanding separately from her husband and in-laws. She asks her husband to live separately in some other house, because she has not good relations with her in-laws. Husband purchases or hires new house, and she again goes to her parent’s home, and starts demanding money, necklace etc. She also says to her husband that his parents are illiterate persons, who has no knowledge that how the daughter-in-law should be kept. They treat the daughter-in-law, as a maid. She also pressurizes the husband not to support his parents. Then the wife and her parents threaten the husband. At last, the wife and her parents get a fake case under S.498A, 504, 323, I.P.C., under Dowry Prohibition Act and Domestic Violence Act etc. registered against his parents and brother and sister. After arresting the husband, his parents, sister and brother, police throw them into jail, then bail, then maintenance under S.125, Cr.P.C. and in last, she disappear after taking divorce. During the process of divorce, these ladies again create a new profile at Shaadi.com or Jeevansathi.com or Divorcematrimony.com etc., again the game for new prey start, so that she would become the owner of crores in next 3-4 years.

In Shri Mangesh Balkrushna Bhoir v. Sau. Leena Mangesh Bhoir, Justice R. D. Dhanuka, of the High Court of Maharashtra, considered the judgment in Vishwanath Sitaram Agrawal v. Sau. Sarla Vishwanath Agrawal, wherein the Supreme Court stated that, “the wife had filed a complaint under section 498A of IPC against the husband, her father-in-law and other relatives, who had been acquitted in that case and the said decision of the acquittal had not been assailed before the higher forum, the allegations on that count were incorrect and untruthful and thus it could be

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237 2016 (2) AIR Bom. R 173: 2016 (2) ALL MR 551: 2016 (2) DMC 671
238 AIR 2012 SC 2586
unhesitatingly be stated that such an act creates mental trauma in the mind of the husband as no one would like to face a criminal proceeding of this nature on baseless and untruthful allegations. In this case, also the appellant and his family members have been acquitted since the allegations made in the complaint filed by the respondent and in the proceedings filed by the prosecution were not proved on merits. The said judgment of the learned Magistrate First class has admittedly been upheld by the learned Session Court and by this court. The said judgment, in my view, would squarely apply to the fact of this case.” Furthermore, Justice Dhanuka also observed the judgment and principles, laid down in Manoj Madhukarrao Pate v. Sou. Vijaya Manoj Pate, that, “the wife who had filed a false complaint against the husband and his family members under section 498A of IPC, and the husband and his family members having been acquitted, the husband was entitled to seek divorce on the ground of cruelty under section 13 (1) (ia) of the Hindu Marriage Act, 1955 against the wife.”

Hence, Justice Dhanuka in the present appeal stated that, “In my view, the order passed by the lower appellate Court is totally erroneous and contrary to law laid down by the Supreme Court and this Court holding that if the wife had filed a false case against the husband and his family members in which the appellant husband and his family members are acquitted, it amounted to cruelty and the husband on the said ground was entitled to seek divorce. The impugned order passed by the lower appellate Court thus deserves to be set aside.”

4.7. All for the sake of money and property

KAWALJEET KAUR (APPELLANT) versus PARAMPAL SINGH (RESPONDENT)

History of the appeal:

239 2015 (1) ALL MR 95
240 CMM No. 54 of 2012 in/and FAO No. M-84 of 2012 (O&M), P & H, Chandigarh.
This appeal was filed by the appellant (Kawaljeet Kaur), i.e. the wife, against the judgment and decree passed by the hon’ble Additional District Judge, Fast Track Court, Patiala. The judge allowed the petition of the respondent, i.e. the husband, and marriage was dissolved by the decree of divorce between both the parties.

Both the parties got married according to Sikh rites on 15\textsuperscript{th} January, 2004 at Patiala. They had two children, i.e. Johanpreet Singh and Abhineet Singh, from their married life. A petition was being filed by the husband under S.13 of the Hindu Marriage Act, 1955. At the time of filing the petition, both the children were residing with the husband. Husband gave the reason to the court that the behavior of his wife was very cruel to his family and she was also not cooperating since the starting of the marriage. In addition, she never tried to adjust in his family. On the other hand, she always insisted to transfer his family property in her own name. She also threatened him and his family to entangle in a fake criminal case. He also requested her parents to advice her to behave properly, but they did not pay any heed to his request. He went to Saudi Arabia on 09\textsuperscript{th} November, 2007 in concern to his job for two years. He sent money to India to his wife and parents for their maintenance. During that period, she harassed his parents and children gratuitously. She went to her parental home on 26\textsuperscript{th} November, 2008 along with the dowry articles. She also took Abhineet Singh along with her. Later on, she demanded Rs.7,50,000/ in lieu of the divorce. Rs.3,75,000/- was paid to her and she returned Abhineet Singh to him. Later on, she also walked out from the agreement, she had done with him.

She got another marriage with Mandeep Singh on 19\textsuperscript{th} July, 2009, without dissolving her first marriage with Parampal Singh. She got her second marriage registered at the office of Registrar, Khamanon (Punjab) on 10\textsuperscript{th} August, 2009. She also got a passport by defrauding the passport authorities. Parampal Singh said before the court that she married with him only for the sake of money, but he had not condoned her for her cruel acts.

\textbf{Facts and Decree of the appeal:}
The court found that the registration of marriage between her and Mandeep Singh showed clearly that she was in relation with Mandeep Singh\(^\text{241}\). That was also shown by her conduct of becoming present before the Registar and making the statement regarding her marriage with Mandeep Singh. She also made the false statement before the passport authorities that she was unmarried for getting the passport. Her second marriage, in the absence of dissolution of her first marriage, and ignoring the agreement after receiving the huge amount was considered as cruelty towards the husband and his family by the court. Further, she also entangled her husband and his family in fake cases of S.498A, I.P.C. and often threatened them of committing suicide and throwing the children into river. The court made comment, “Though the legislature in its wisdom, made laws for protection of women from domestic violence, but all the same we cannot be oblivious to the fact that at times there is misuse of such laws by the wives. It has to be seen according to the facts and circumstances of each case, whether or not the wife was exercising her right under the law correctly. In the present case, the appellant misused her right and subjected the respondent to mental cruelty.” The court allowed the decree of divorce in favour of the husband on 29\(^{\text{th}}\) April, 2014.

4.8. Trend of heavy payment for divorce

Some months ago, Divyendu, 28 (name changed) was struggling with his unsuccessful marriage and wanted a divorce.\(^\text{242}\) Now, he faced a dowry harassment charge and an extremely difficult task of arranging Rs. 15 lakhs. His wife had threatened to ruin his life and the only way he could save himself was by arranging the huge amount for divorce. Rs. 75 lakhs was the price another guy had to pay to his wife to free himself from the marriage ties and the relationship that was left only for namesake. These were some of the many cases that had come to family court at Bhopal for hearing, where the males were being forced to pay a huge amount only to get divorce. Atul, 30 (name changed), an engineer by profession could take divorce from his fitness trainer wife only after giving Rs. 15 lakhs along with a pact of life-long maintenance of child. She said

\(^{241}\) [www.judis.nic.in](http://www.judis.nic.in), Last visited on Oct 30, 2014

\(^{242}\) [www.publication.samachar.com](http://www.publication.samachar.com), Last visited on Oct 16, 2014.
yes for the divorce only after taking the money. In another case, the girl had asked for Rs. 1 crore in lieu of divorce. Case was still going on in the family court at Bhopal, as it was nearly impossible for the boy's side to pay such a huge amount.

Sangeeta Moharir, a lawyer at Bhopal district court had said, "This has become a sort of trend. Earlier the daughter-in-laws of medium-class family would ask for Rs. 2 lakhs to 3 lakhs at the time of separation, but now they demand nothing less than Rs. 25 to 50 lakhs. Some even go to the extent of threatening husbands of putting cases of domestic violence and dowry for extracting money. Boys are actually blackmailed nowadays". In genuine cases, the girl herself wants to get free as soon as possible, so money hardly matters for them. But, in cases, where extracting money is the sole purpose, girls demand huge compensation from the boys as a price of their freedom. Noorunnisa Khan, a senior counsellor at family court in Bhopal had said, “In around 50% of the cases, the boy agrees to her demands, as he is left with not much choice. Any guy would prefer paying some money than facing some more criminal cases against him. Girls often misuse this situation and laws to their advantage and extract maximum money from husbands”.

True is the fact that, “End of any relation is always sorrowful. When relations are made, then prosperousness comes to the life. But, some relations are also of such type, in which spending of more time with each other is not possible any more, and its result is DIVORCE. News of marriage and divorce are always in rumour in bollywood. After making public in media about ending of relations with Sujjain Roshan, actor Hritik Roshan had filed the application for divorce. Film maker Aditya Chopra had also paid a huge amount for divorce to his first wife, Payal Khanna, for making marriage with Rani Mukherjee. It was in news that both, Aditya nad Payal, settled their matter in Rs. 50 crores. Like Payal Khanna and Sujjain Roshan, there are many more celebs wives in bollywood, for whom it is said that after costly divorce, they have become more rich or are becoming. In this list, from Karishma Kapoor, Sujjain Roshan, Payal Khanna, stars like Amrita Singh and Rhea Pillai are also included. Huge amount of money, cars, bunglow had given to these wives in the form of costly divorces, so that their coming life has become more restful. The most prefect couple in older days of bollywood, Hritik

and Sujjain, also got judicially separated. After 17 years of marriage life, they remained separated for a long time. Then they filed an application in the court for divorce by mutual consent. In exchange of the separation from Hritik, Sujjain demanded fixed deposits of crores, flats, two luxury cars. Divorce between the two was deemed to be the costliest divorce in the bollywood industry. Film maker Aditya Chopra secretly married with Rani Mukherjee in Italy. Their marriage took a lot of time, the reason behind is said to be the non-separation (divorce) between Aditya and his first wife, Payal. Divorce between Aditya and Payal took more than three years. It is said that Payal demanded grand bunglow and a heavy amount, which Aditya was not ready to give initially. But, when Payal remained adamant on that, then Aditya had to accept her conditions. According to the news, both settled finally their issue in Rs. 50 crores.”

In an another case, “After the death of first wife, Richa, Sanjay Dutt was very close to Rhea Pillai. The relation, which existed nearly for five years, ended in year 2003. Their divorce remained in news for a long time. Sanjay had to give Rs. 8 crores and an expensive car to Rhea for the divorce. Before marrying with Kareena Kapoor, Saif Ali Khan had married with actress, Amrita Singh, who was 10 years elder than him. That marriage came to an end after 13 years in year 2004. It is said that in lieu of ending the relations with Amrita, Saif had to provide her the bunglow, same as of his own, and Rs. 5 crores. Actress Karishma Kapoor, who ruled over bollywood industry for a long time, could not rule over her husband’s heart for such a long period. Relation between the businessman of Delhi, Sanjay Kapoor and Karishma came to an end, but their divorce took a long time. Karishma demanded Rs. 7 crores in return for the divorce, on which Sanjay was not ready for a long time. Due to which, Karishma did not sign over divorce papers. Divorce of Tennis star, Mahesh Bhuapati with his first wife, Sweta Jaishankar is also included in the costliest divorces. It is said that Mahesh had paid Rs. 5-10 crores to his model wife as compensation for the divorce. Court had also permitted Sweta to keep magnificent flat of Mahesh, situated at Bangalore. Marriage of Mahesh and Sweta remained for around 6 years. After that, Mahesh married with actress Lara Dutta. In 1996, cricketer Mohammad Azruddin ended his married life of 9 years, for just marrying with model and actress, Sangeeta Bijlani. His first marriage was with Hyderaba-based Naureen. At that time, Azruddin had to pay Rs. 1 crore to Naureen as compensation for the divorce. That divorce was deemed to be the most costly divorce of the country at that time. Naureen married with Canada-based businessman after the divorce from Azruddin. Hollywood’s famous Director, Stewen
Spilburg and actress Amy Irwing married in 1985. That relation could not be continued for long time and both took divorce after four years. Stewen paid Rs. 455.9 crores to Amy in lieu of the divorce. After spending 25 years of married life, Arnold Swarznegar and Maria Srewar got separated. The reason behind the divorce was extra-marital affair of Arnold. Due to which, Maria sent the divorce papers to Arnold. Under the agreement in that divorce, Arnold had paid $ 300 million to Maria.”

4.9. Trend of filing false rape cases rises

Now-a-days, every newspaper is containing reporting of rape, either true or fake. Mostly out of those so called reported rape cases either the complainant women are getting hostile or the latter are unable to prove their case beyond doubt. The object of filing such fake cases may be one or the other, such as pressurizing men to marry or for extorting money or some other benefits etc. There stories are also seem to be similar, “I was raped by him for 2 years……”, “I was sexually abused for 3 years…….”. Such facts cannot be possible unless and until the person is kept in a cage, with an object to just have sex. The courts are giving a lot of judgments on the subject matter on one or the other day. Judges are worried due to the wrong use of the laws relating to rape. But, there is no news, in which such fake rape cases are rejected from reporting at the initial stage at police station itself. If the man is wrongly and malafidely put into some fake rape case, then after acquittal from the court, he can file a case under s. 182, 193, 195, 420, 211 read with s. 120-B of I.P.C. against the complainant lady and the police.

Unfortunate to say that Parliament brought The Criminal Law (Amendment) Act, 2013 after the brutal incident of Nirbhaya case at Delhi, to make the stringent laws to deal with such situations, but after that amendment, fake rape cases have been increased 15 times more than before such amendment. The average number of acquittal of accused in these fake rape cases is 73 % in last five years, means these 73 % men are being harassed in the name of rape, laws, curt proceedings, justice for women and all that. The senior additional public prosecutor in the Nirbhaya case, A. T. Ansari stated that, “This is an unfortunate trend. In many cases, women

244 www.menrightsindia.net, Last visited on Dec 14, 2015.
come up with the plea that they had registered the case out of anger and due to misunderstanding. It’s sad but true. Registration of false cases is rampant and hence, the alarming acquittal rate. The new law is being misused because of the widened definition of rape. In around 90 % of acquittal cases, the victim turns hostile. Mostly, it turns out to be a case of relationship gone bad. The sex is consensual but the victim claims that the consent was given on account of promise of marriage.”

In modern times, trend of filing false rape cases or sexual harassment cases is on high. This is the matter, which should be reviewed and prevented. This remark was made by the judge of Delhi Fast Track Court, Nivedita Anil Sharma, while acquitting an accused from a rape case. Sunil was charged for rape by his maid. Court said in its decision that it is seen that if maids are getting less salary, or they are confined, or their performance is poor, then in such cases, domestic maids allege for sexual harassment. Might it be done, because they are getting wrong advice. It should be considered. Police was filed charge for rape on Sunil Sharma on the complaint of his domestic maid. The lady complained that Sunil had raped her between 29 April, 2012 to 19 May, 2012. Different from that, she gave statement in the court that she had never said about rape before the NGO, which helped her, and the police. Court said that now-a-days there is trend of filing of such false cases by domestic maids, due to which time of court, government agencies and others is getting wasted. These type trends should be suppressed.

In Mahila Vinod Kumar v. State of Madhya Pradesh, Justice Dr. Arijit Pasayat, of Supreme Court observed that, “For exercising the powers under the law, the Court at the time of delivery of judgment or final order must at the first instance express an opinion to the effect that the witness before it has either intentionally given false evidence or fabricated such evidence. The second condition is that the Court must come to the conclusion that in the interests of justice the witness concerned should be punished summarily by it for the offence which appears to have been committed by the witness. And the third condition is that before commencing the summary trial for punishment the witness must be given reasonable opportunity of showing cause why he should not be so punished. All these conditions are mandatory. Narayanswamy v. State of


246 Special Leave Petition (Crl.) Nos. of 2008 (Criminal Misc. Petition Nos. 8515-8516 of 2008).
Maharashtra is a good precedent on this point. The evil of perjury has assumed alarming propositions in cases depending on oral evidence and in order to deal with the menace effectively it is desirable for the courts to use the provision more effectively and frequently than it is presently done."

In Tilak Raj v. State of Himachal Pradesh, a lady reported a case under s. 376, 417 and 506 of I.P.C. to A.S.I., Chamba Police Station (HP) on Jan. 06, 2010. She stated that she was being raped and beaten by the appellants on Jan. 01, 2010. The latter also gave threatening of dire consequences, if the former tell to anyone else about the matter. Further, she also reported that she was being sexually exploited on the basis of promise of marriage. A case was registered against the appellants under s. 376, 417 and 506, I.P.C. Later on, the lady herself denied before the court that she has not registered any F.I.R. against the appellants under the above stated sections. Himachal Pradesh High Court acquitted the appellants from the charge under s. 376, I.P.C., but held guilty under s. 417 and 506, I.P.C. On Jan. 06, 2016, the Bench, comprising of Justice T. S. Thakur and Justice V. Gopala Gowda, of Supreme Court of India, after hearing both the parties, stated that, “it is clear that the evidence of the prosecution is neither believable nor reliable to bring home the charges leveled against the appellant. We are of the view that the impugned judgment and order passed by the High Court is not based on a careful reappraisal of the evidence on record by the High Court and there is no material evidence on record to show that the appellant is guilty of the charged offences i.e., offence of cheating punishable under Section 417 of IPC and offence of criminal intimidation punishable under Section 506 part I of IPC.”

An FIR filed by a woman against five persons, including her husband and brothers-in-law, for holding her hostage and repeatedly raping her at Bareilly, was proved false during investigation. Police said that she had cooked up the entire story to extract Rs. 7 Lakhs from those named in the complaint. The woman in question was found allegedly in an unconscious

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247 (1971) 2 SCC 182
state with her clothes askew on NH-24 in Bareilly's Fatehganj (west) on June 12, 2013 at around 5 am. In her complaint, she claimed that her in-laws physically assaulted her over dowry and hence, she left their home and filed a case in December 2013. But, she had to withdraw it after her in-laws started threatening her. On March 21, 2014, her in-laws kidnapped her on her way to the market by dragging her into a car. She told the police that she was held hostage and repeatedly gang-raped.

A married couple was arrested from Panipat (Haryana), for blackmailing the owner of a poultry farm, Mohammad Inaam, for rape. The latter needed some persons for working at poultry farm, so he brought that in the knowledge of relatives. The couple, Ruksana and her husband, Fiju, both resident of Banti Khera Shamali, Uttar Pradesh, met with him and agreed for working on Rs. 10,000 per month. After some days, Ruksana alleged that the owner raped her, and was demanding Rs.3 lakhs from the owner of poultry farm for compromising. Police caught both them red-handed with Rs. 20,000/- and recorded the matter. Court sent both of them to judicial custody.

After the marriage in Jan, 2014, Shilpa made pressure up to such extent on Umang Parihar, who was the owner and Managing Director of a Teleshopping Company (Shopper Sky Shop), that he lost his life.\textsuperscript{250} He committed suicide by hanging on 27\textsuperscript{th} March, 2014. Police found a suicide note from the deceased, in which he out rightly blamed his wife for the step of the suicide. When police reached at the home of his wife, she had absconded already from there. After the death of the deceased, his parents blamed also her parents for that suicide. Police made his wife, mother-in-law, brother-in-law and friends of the brother-in-law as accused under S. 306 and S. 34 of I.P.C. Intention of her wife to transfer the company into her own name and her extra-marital affairs were said to be the main reasons behind the death of the deceased.

His grandfather told to the police that Shilpa came to the company along with her brother, Pankaj, and requested for the job. Due to the known person as reference, Umang gave her the job in the company. After some days, she recorded the offence of rape against her husband to Lasudiya Police Station in Jan, 2014. Umang was terrorized due to that case. Shilpa and her

\textsuperscript{250} www.sumanasa.com, Last visited on May 06, 2014.
mother, Komal, threatened him either to marry Shilpa or go to jail. Later on, both married with each other. Before marriage, his wife transferred the company in her own name. Even after the marriage, she had friendship with many boys. She boosted the relations with many persons on facebook and whatsapp in the office of the company itself. When Umang asked about that, she got irritated and started quarrelling with him. She hide her extra-marital affairs from Umang. Due to that, his business was also affecting. While he had given freedom to Shilpa to use his facebook account and personal e-mail. She mailed to the employees of the company in the name of Umang and misused that freedom. She had also blocked Umang on her facebook account, so that he could not see the persons in her friend list. She had done the same on whatsapp also. She used to delete the chat history on whatsapp after chatting with any person. She had close friendship with Aniruddh and Jassi, with whom she talked in day and night. According to the parents of the deceased, on 26th March, 2014, Shilpa went to somewhere, without informing Umang. In the afternoon, her mother, brother and friend of the brother, Jassi, threatened Umang that if Shilpa would not found, then Umang would not be left alive. The parents alleged that either Umang hanged himself due to that harassment or he was hanged after murder. Umang’s Swift car, Rs. 50,000/- and two mobiles were also missing.

A week after a 22 year old woman alleged, she was raped in a moving van between Ghaziabad and Noida (Uttar Pradesh) and later dumped in front of Fortis, police had said that their investigations so far suggested that the woman might had falsely tried to implicate the accused.\(^{251}\) Police were going by cell phone text messages and CCTV footage as well as eyewitness accounts. The medical report was not conclusive. It talked of abrasions on the thighs, but stated that there were no internal injuries. The result of a swab test was awaited.

But, there were some puzzling inconsistencies in the police version. Ghaziabad police said that CCTV footage showed Akhil Tomar, the main accused, had filled petrol in a pump in Kaushambi between 9.30 pm and 10 pm, the period during which the incident had reportedly taken place. The police also said that they had reported the statement of a juice stall owner in Rajender Nagar area (Delhi), who had confirmed that Akhil Tomar had come to his shop at around 9.30 pm on that night to drink a glass of juice. Now, the distance between Rajender

Nagar, where Akhil Toamr was drinking juice, and Kaushambi, where he was filling up his car, as shown on Google Maps was 9.4 km, a distance which could be covered in about half an hour. How could Akhil Tomar then be in two different places at the same time? What was also unexplained was how the woman got those injuries on her thighs?

The police, however, claimed that there was evidence that the woman had been threatening both Akhil Tomar and Yogesh Pandit a few days before the incident. The woman had threatened the duo of dire consequences over some previous enmity between them. Mobile phone records of Akhil Tomar retrieved by the police showed that the woman had sent him a text message on July 2, 2014 saying, “Agar tum mera phone nahi utha rahey ho to kya tum mujh se bach jaoge? (By not taking my calls do you suppose you can escape from me)”. In fact, on the evening the incident allegedly took place, around 7.30 pm, Akhil Tomar had filed a complaint with DCP (East), Ghazipur, New Delhi, alleging that the woman was trying to threaten and intimidate him with dire consequences for not meeting him and taking her calls.

The police further said that enquiries made by them so far also show that Yogesh Pandit, the other accused, was in his village, Rajpur, during the time when the woman was allegedly gang-raped. Police official, who had video graphed the statements of Satish Bhati, the man who allegedly found the woman lying in a battered condition in Noida, claimed that Bhati said he was drunk, when he found the woman. According to Bhati’s statement, the bottle was not inserted into her private parts, but inside the pajama, she was wearing. Bhati told the police that the bottle was found stuck between her thighs of the woman. The bottle also could not be recovered despite massive search as Bhati had thrown it away.

Along with Delhi Police, everyone was shocked by hearing that strange case of rape in the national capital - Delhi. In that case, one lady charged her deceased husband for rape on 12th of May, 2014. Stranger in that was that Vasant Kunj (North) Police also recorded the matter. According to the police, the complainant was disappeared in 2007. At that time her age was 13 years. Police registered the case of kidnapping at that time. In 2014, police found her from Jagatpuri (Delhi). Now, she was of 20 years. She had two children. Some time before, her husband was expired due to some disease. It was under doubt that after her husband’s death, why

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she was silent till 2014? According to the police, she got married after running from her home against her parents. At that time, she was minor and her husband made physical relations with her.

Many examples of misuse of the law against rape have come. But, there was a case of two lovers at Mumbai, in which the law against rape had become trouble for the both. The accused and the lady were the neighbours at Boriwali (Mumbai). Their love was very old. Father of the lady was businessman and father of the accused was an employee of the Indian Railways. The lady was from Gujarati family and the accused had the Marathi background. Both knew each other from 06 years. In 2012, both were in physical relations with each other. But, in that year their relations became bitter. She thought the man was deceiving her. She complained to her father against her lover. She told her father that he had taken money as debt from her and after that, he was expending that money on other girls. She also told that she had managed that money after selling the ornaments of her mother.

The lady and her father registered the case of rape on 15th may, 2014, with the assistance of a social activist. In her complaint, she alleged that the man made physical relations with her, promising the marriage with her. Cheating was also alleged against the man. On the basis of the charges alleged by her, the Session Court, Mumbai had cancelled the bail application of the accused lover. After one week, their love took such a turn that after making enmity with her own family, the lady got married with that lover. She told that she loved the man. However, families of the both had not given their consent to the said marriage, and further, they threw out the both. Both were then became husband and wife, but the legal proceedings were not ended up. Due to the pendency of the case of rape, the troubles for the both raised after the marriage. The lady was fighting in the court for saving her accused-cum-husband from the charges of rape, alleged by her. On 13th June, 2014, Mumbai High Court granted the bail to the accused on his personal bond of Rs. 1000. Both the lady and the accused were running here and there for cancelling the case of rape in the court. When the case was presented before Justice V. M. Kanadey and Justice P. D. Kode, they not only said that case a sorrow, but also expressed their grief on the misuse of the law against the rape.

In an another case of Anup K. Paul v. State of Rajasthan and another\(^{254}\) also, after hearing all the arguments and examining all the witnesses, Justice Vijay Bishnoi finally reached at the conclusion that, “In the light of the above facts and circumstances of the present case, it cannot be said that the petitioner had no intention to marry the respondent No.2 from beginning or the petitioner had any intention to deceive her from very beginning. The respondent No.2 was 26 years of age at the time of incident. She was in love with the petitioner and both of them promised to marry each other. Even the respondent No.2 has informed her brother and parents that she is in love with the petitioner and wants to marry him. Looking from all these angles, it cannot be said that the petitioner had no intention to marry the respondent No.2 since beginning and developed physical relation with her while making a false promise of marriage only with intention to satisfy his lust. It appears that the petitioner and the respondent No.2 were in deep love, and their love translated into physical relation. Their parents agreed to the marriage of them but later on, due to some disputes between the petitioner, his mother and respondent No.2, the marriage could not be materialised and then the petitioner decided to marry with some another girl in September, 2014. When the respondent No.2 came to know about the same, she filed the criminal complaint against the petitioner out of vengeance. Looking to overall facts and circumstances as noted above, I have no hesitation in holding that no offence under section 376 IPC is made out against the petitioner. So far as offence punishable under section 420 IPC is concerned, when this Court has already come to the conclusion that the petitioner did not make any false promise to marry the respondent No.2, no case of cheating is made out against the petitioner. Looking to the above facts and circumstances of the case, and observations made in Deepak Gulati v. State of Haryana,\(^{255}\) Farook Ahmed (DR.) v. State of Rajasthan,\(^{256}\) Zandu Pharmaceutical Works Ltd. V. Mohd. Sharaful Haque,\(^{257}\) this Court is convinced that even if the FIR and the evidence/material collected by the police is taken as it is, then too the same is not sufficient to hold the petitioner guilty of the offences punishable under sections 376, 313 and 420

\(^{254}\) 2016 (1) Cri.CC 275 : 2016 CriLJ 509 : 2016 (1) RajCriC 5 : 2016 (2) AICLR 628

\(^{255}\) 2013 Cri.LJ. 2990

\(^{256}\) 2013 (3) Cr.L.R. (Raj.) 1273

\(^{257}\) (2005) 1 SCC 122
IPC. Hence, the continuance of the impugned FIR against the petitioner and other proceedings of the impugned FIR will result in abuse of process of the Court and the same is liable to be quashed.”

For the greed of the property, one lady and her husband had done such a job, that everyone remained shocked after hearing about that. Police arrested a lady from Jaipur, who was trying to extort Rs. 10 crores from a businessman from Prashant Vihar (Delhi) after making his porn video. Police had also recovered Rs. 40 lakhs from her. Her husband was succeeded in absconding away during the raid of Delhi Police. But, Police was successful in arresting a middle man.

Dr. Jitender, who was from Prashant Vihar, had an Engineering College at Bharatpur (Rajasthan), and also joined a national party. He met with Meenakshi at Bharatpur in February 2014. She was running a beauty parlour near the college of Jitender. After coming to know that Jitender had a huge property at Bharatpur and Delhi, the lady started to come closer to him. Along with her husband, Sandeep Singh, she conspired to trap the businessman into their plan. To finalize the plan, Sandeep took his friend, Manjeet, with them. After that, for extorting money Meenakshi let a porn video to be shot with Jitender. She started blackmailing Jitender on the basis of that video and demanded Rs. 10 crores. In case, Jitender refuse to deliver money, she threatened to file a case of rape against him. When Jitender showed his incapacity to deliver Rs. 10 crores, then finally settlement was made on Rs. 2 crores. The businessman also delivered Rs. 5 lakhs to the lady. But, after that accused lady and her husband started to pressurize the businessman to pay the balance amount also. Between the businessman and the lady, one jeweller, Arun Kothari, started playing role of the middle man. When the pressure for the money arose, the businessman gave a complaint against the lady and her husband in Prashant Vihar Police Station. Police made a plot to catch the accused persons. The businessman went to Jaipur with Rs. 40 lakhs in hand and called the lady in his office. The lady reached there along with the middle man, Arun. The husband of the lady was waiting outside in the car, while the lady went into the office along with Arun, where both were caught by the police. The husband of the lady absconded from there, when he came to know about the presence of the police in the office.

4.10. Comments of Women's panel over the rape cases

Only 1,168 cases out of the total cases registered in Delhi in 2014 had been proven to be genuine.\(^{259}\) If the Rape Crisis Cell of the Delhi Commission for Women (DCW) is to be believed, frivolous rape cases were on the rise in the Capital (Delhi). According to the sources, out of 2,753 rape cases registered with the women’s panel between April 2014 and July 2015, total 1,579 cases were found to be false. Even contemporary Chairperson of the Delhi Commission for Women, Barkha Singh stated that such “frivolous” complaints were worrisome. According to her, they examined those cases very carefully. Some women were using that as a tool to extort vulnerable men, some women were taking it as ‘business’. Of the total cases registered, only 1,174 cases had been proven to be genuine. According to the data, there had been a considerable rise in the registration of rape cases in Delhi in the first seven months of 2015. Further, during the period of June 2014-December 2014, as many as 636 false rape cases were registered with the women’s panel. The number went up to 900 between January and July, 2015. The kind of cases that generally turn out to be false were mostly filed by live-in partners, people who wanted to settle personal scores matters, and those who wanted to implicate their in-laws in cases. In many cases, the complainant turned hostile, and revenge or extortion of money emerged to be the most common reason for filing a false complaint.

In *Ajay Patel @ Sarvan v. The State of U.P.*,\(^{260}\) Justice Ranjana Pandya while deciding the appeal, against the judgment convicting the accused under s. 363, 366-A, 376 (2), I.P.C., observed the principle laid down in *Mohd. Ali @ Guddu v. State of U.P.*\(^{261}\) that, “Be it clearly stated here delay in lodging FIR in cases under Section 376 IPC would depend upon facts of each case and this Court has given immense allowance to such delay, regard being had to the trauma suffered by the prosecutrix and various other factors, but a significant one, in the present case, it has to be appreciated from a different perspective. The prosecutrix was missing from

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\(^{259}\) [www.dailymail.co.uk](http://www.dailymail.co.uk), Last visited on Oct 13, 2013.

\(^{260}\) Criminal Appeal No. 4846 of 2014, Decided on May 02, 2016.

\(^{261}\) 2015 (3) SCC (Criminal) 82
home. In such a situation, it was a normal expectation that either the mother or the brother would have lodged a missing report at the police station. The same was not done. This action of PW2 really throws a great challenge to common sense. No explanation has been offered for such delay. The learned trial Judge has adverted to this facet on an unacceptable backdrop by referring to the principle that prosecutrix suffered from trauma and the constraint of the social stigma. The prosecutrix at that time was nowhere on the scene. It is the mother who was required to inform the police about missing of her grown up daughter. In the absence of any explanation, it gives rise to a sense of doubt.”

Justice Pandya further stated that, “In the present appeal, the prosecutrix lady was taken on a two wheeler, her mouth was opened. Nobody was pressing it. There is no reason why the victim did not raise alarm when her mouth was opened and the accused were unarmed. In cross-examination, this witness has further stated that she had stated to the Magistrate that on the next day of occurrence at 11:00 p.m., she was left near her house. She has stated that on the next day, the accused left her at her house. If this would have been actual position, there was no reason why the written report could not have been lodged the next day when the victim had returned home and had narrated the whole incident to her family members. Thus, what has been stated and discussed above, I conclude that the prosecution case is bundle of false allegations and improbable facts, due to which the learned trial court misled itself and has incorrectly convicted the accused, such conviction cannot be sustained in the eyes of law, as such the accused is entitled to be acquitted and the appeal is liable to be allowed. Hence, the impugned judgement and order of conviction and sentence dated 23.09.2014 passed by the learned Additional Sessions Judge, Court No. 2, Varanasi in Sessions Trial No. 21 of 2012 (State vs Ajay Patel alias Sarvan) arising out of Case Crime No. 210 of 2011, under sections 363, 366A, 376 IPC, Police Station Rohaniya, District Varanasi, is hereby set aside.”

According to Sudha Tokas, contemporary DCW member and member in-charge, Rape Crisis Cell, in one case a woman tenant had come to file a case of sexual assault against her landlord. While they recorded her statement and asked her about the expectation out of the case, she demanded Rs 32 lakh. She also refused to get her medical examination done and was reluctant to go to court, when offered legal help. Over a period of cross questioning, it turned out to be a false case. One another case of false rape charges was pressed against a top hospital
official by one of the women staffers. During the course of investigation, it was revealed that she wanted to get her duty shift changed to day time. The complainant admitted that she implicated the hospital official in the case.

To find out the probity of such cases, the rape crisis cell along the counselors had to carry out a thorough investigation into the allegation. These cases were extremely sensitive, so they had to work hard to ensure that acquittal did not happen easily. Speedy justice was given to the victim. They also helped the victim collect evidence and gave financial assistance for medical checkup. Cross-examination of complainant often reveals the probity of such cases. The commission has the powers to penalise anyone, who registers false cases. The complainants are warned against pressing false charges.

4.11. No support from the society and no protection of laws for men

The society and the government are not taking care of men, who are victims of domestic violence. It is a serious problem worldwide. Domestic violence over men is not punished or treated as an offence under any of the laws. Opposite to it, special provisions given to women for their protection are framed in such a way so as to harass men. This liberalism for women in the society and in the field of law and policies has raised the feeling of jealousy against men. Organizations, in favour of women, have stressed in a single voice to implement the Domestic Violence Act in India. According to them, victims will be empowered by the said Act, and further they will be protected by the Act.

In majority, it is accepted in the society that domestic violence should not be done in the family. It is in exceptional cases that the Act would be used to protect the victims from their spouse. This would further protect the children of the spouse emotionally, morally and mentally. Sometimes law comes as a miracle in the disputed family, but that should be exceptional. Literally, these special laws for the protection of women, have given the weapons in the hands of women, which they are using for dominating over men. This domination will lead to a society, in which men have no rights for their existence. The Domestic Violence Act has some drawbacks, which are as follows:
a) It is extra ordinarily partial in favour of women.

b) The possibilities for misuse are stunning.

c) The definition of “domestic violence” is too wide.

The D. V. Act considers men as the culprit of domestic violence and presumes that only women are victims. According to this law, a complaint can only be filed by a woman against her male spouse. If a man suffers domestic violence, then this law gives no rights to him. The truth is that it has been experienced in various cases that women have used violence equal to men, and even more than him in some cases. Law is also harassing men and making them victim of harassment by giving full powers without any limitations in the hands of women. The legislative body in India should learn from the western countries, where laws are not biased towards any of the sex in case of domestic violence and provide equal protection to both men and women. Despite that law, the laws in India do not provide any remedy to victim men against the domestic violence, which is unjustifiable and wrong.

Another important defect in D. V. Act is that it has such provisions that women feel very easy to misuse it and report the false cases to the authority to teach a lesson to men. One more law against dowry, i.e. S. 498A, I.P.C., is similarly misusing on high rate by women all over the country. Due to this trend, even the Supreme Court has considered it as “Legal Terrorism”. One can see the easy misuse of these special laws for women by women in following examples. Here, “She” is meant for “wife or female live-in partner” and “he” is meant for “husband or male live-in partner”.

a) According to the law, she has the right to the residence. This is a very easy mode of getting control of the house. It is immaterial whether she has any legal right on the property or not. Further, if he is charged under D. V. Act, he will be responsible for paying the rent, even if he is not living in the same house or he is in jail.

b) If she thought that she was insulted, then he can be charged under the D. V. Act. What is the meaning of the term “Insult” is wholly depends upon her will and wish. Opposite to this, if she has verbally or physically insulted and abused him, he cannot get any remedy under the law.
These are just some of the ways, in which women can exploit men in a legally permitted manner. It has been seen that, “The fact that the complaint by a woman will be treated, prima facie, as true and genuine, opens up a whole new realm of possibilities, where innocent men will be accused and implicated in false cases, just because they refuse to give in to her unreasonable demands. Most people readily agree that the law will be misused. There are other provisions to deal with the misuse of this law. The fact is that there are other legal provisions to deal with domestic violence as well. If a strict law is made for a specific purpose, then the provisions for dealing with its misuse should be in the law itself.”

The third major flaw in this law is that it provides an all-encompassing definition of domestic violence and some terms (insults, name calling) are extremely subjective. The radical feminists claim that, “70% of women in India face domestic violence, which comes as no surprise as even an insult is considered domestic violence. Interestingly, they are mum on how many Indian men suffer domestic violence, using the same criteria. This law strikes at the very foundation of marriage by promoting intolerance and litigation for petty domestic disputes. It is universally recognized that from time to time differences arise in a marriage and sometimes people, both men and women, behave in hurtful ways towards each other. Most people, though, are able to work them out and lead a more or less happy life with their loved one. However, this law makes it very easy to escalate the domestic problems in daily life to such a level that it eventually leads to a breakdown in marriage. Once a man has been accused of domestic violence for something relatively minor (insult), while he might have been subjected to the same treatment from her, he will perpetually feel threatened by his partner and that is the beginning of the end. This law will lead to more divorces, broken homes and the children will pay the ultimate price by getting deprived of a pleasant childhood. There are degrees of domestic violence and not all conflicts in a relationship can be termed as domestic violence. This law trivializes the issue of domestic violence by including minor differences in its realm and by explicitly denying protection to half of the population. The law in its current form is grossly inadequate to tackle the problem of domestic violence. It imposes a lot of responsibility on men, without giving them rights. On the other hand, it gives lots of rights to women without requiring them to be responsible. At the very minimum, it should be made gender neutral, offering protection to both men and women. Also, provisions for stringent punishments need to be incorporated into the law to prevent misuse.” Moreover, the law needs to be made more
practical by differentiating between various degrees of conflicts and by unambiguously defining what constitutes domestic violence.

The fact is domestic violence is a serious problem and a neutral and unprejudiced law is needed to protect the genuine victims of domestic violence, irrespective of gender. The perpetrators of domestic violence need to be appropriately punished and dealt with. At the same time, protection cannot be withheld from real victims for any reason whatsoever, least of all their gender. One can be certain that, “There is something sinister about a law, when it intimidates and instills fear in innocent people. When a person, who has not committed any crime, begins to fear punishment under the provisions of a law, it is not a law anymore – it is state sponsored terrorism.” It is now to make sure to educate Indian men more and more to take care of their health as suicide rate of men in India is three ratio two times more than women just after marriage and one ratio one before marriage.

4.11.1. Need to handle the power in the hands of women

We have seen the woman in many forms. Sometimes affection of a mother seems to be the greatest happiness of this earth in her, and sometimes it seems as the destroyer of her enemies. Despite of all her forms, she was the victim of all the exploitations. Once there was a time when the death for the dowry was considered as the biggest curse. Every day some bride was burnt. When the situation became critical, the specific law relating to dowry came into effect in 1961. Laws relating to dowry in India:

1. According to The Dowry Prohibition Act, 1961, giving and receiving of dowry and assisting in its transaction is punished with the imprisonment of 5 years and a fine upto Rs. 15,000.
2. Under s. 498A of I.P.C., the harassment for dowry, which is related to the demand of any property or any expensive articles by the husband and his relatives, is punishable with the imprisonment of 3 years and fine.
3. Under s. 406 of I.P.C., husband of the lady and her in-laws are punishable for the imprisonment of 3 years and fine, if they have refused to deliver the *stridhan* to the lady.
4. If death of any woman occurs in extra ordinary circumstances within 7 years of the marriage and it is proved that she was harassed for the demand of dowry before her death, then under s. **304-B** of **I.P.C.** husband and his relatives are punishable for 7 years to life imprisonment.

Under the specific law, giving and receiving of dowry was legally prohibited. No need to tell, what the result of that law was. Even today, dowry is given and taken with the same dedication or under the same pressure. With the change of time, some amendments were done in that law.

In 1985, amendments were made in Indian Penal Code and Criminal Procedure Code in relation to dowry. The object of those amendments was to empower women and to stop the bad consequences relating to the dowry. The government got the success to some extent in its object. Women became aware when the dowry lovers got punishment. Due to the strictness in the law, two changes came into effect. First, women were not murdered and harassed for the want of dowry, and the second was the awareness relating to the dowry prohibition laws. Women became understanding their rights. But, the situation today has totally changed. Women started to misuse their awareness to such extent that hundreds of cases are getting filed every month in the country. The fake cases, filed by women, bound a lot of families to live the life of hell. Thousands of cases are pending before the family courts in India. No one ever imagined that the laws for the protection of women may be misused in such a way. That was the reason that an appeal was filed before the Supreme Court of India for reviewing the dowry related laws. Although that appeal was dismissed by the Supreme Court, but with the passing of the time, demand for reviewing the powers given to women is raising.

Many organizations are constituted in the country, which are fighting for the persons, who are harassed by women in some or other way. Such an organization is in Uttarakhand, namely **Purush Adhikar Sanrakshan Samiti**. This organization is receiving a lot of cases, in which the misuse of the laws relating divorce is apparent. The organization has fought many cases on its own expense and provided rights to men. It was mentioned in a recent report of one NGO that around 5,000 cases are filed for
harassment for dowry in India. Out of these cases, around 3,500 cases are false. Parties compromise after receiving the money.

As the misuse of the laws relating to the prohibition of harassment for dowry is on the high, same is the position of the laws relating to rape and eve teasing. A number of false cases are filing daily in the country. In Ajay Patel @ Sarvan v. The State of U.P., Justice Ranjana Pandya while deciding the appeal, against the judgment convicting the accused under s. 363, 366-A, 376 (2), I.P.C., observed the principle laid down in Mohd. Ali @ Guddu v. State of U.P. that, “Be it clearly stated here delay in lodging FIR in cases under Section 376 IPC would depend upon facts of each case and this Court has given immense allowance to such delay, regard being had to the trauma suffered by the prosecutrix and various other factors, but a significant one, in the present case, it has to be appreciated from a different perspective. The prosecutrix was missing from home. In such a situation, it was a normal expectation that either the mother or the brother would have lodged a missing report at the police station. The same was not done. This action of PW2 really throws a great challenge to common sense. No explanation has been offered for such delay. The learned trial Judge has adverted to this facet on an unacceptable backdrop by referring to the principle that prosecutrix suffered from trauma and the constraint of the social stigma. The prosecutrix at that time was nowhere on the scene. It is the mother who was required to inform the police about missing of her grown up daughter. In the absence of any explanation, it gives rise to a sense of doubt.”

Justice Pandya further stated that, “In the present appeal, the prosecutrix lady was taken on a two wheeler, her mouth was opened. Nobody was pressing it. There is no reason why the victim did not raise alarm when her mouth was opened and the accused were unarmed. In cross-examination, this witness has further stated that she had stated to the Magistrate that on the next day of occurrence at 11:00 p.m., she was left near her house. She has stated that on the next day, the accused left her at her house. If this would have been actual position, there was no reason why the written report could not have been

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In Hiral P. Harsora and Ors. v. Kusum Narottamdas Harsora and Ors., on Oct. 06, 2016, the bench, comprising of Justice Kurian Joseph and Justice R. F. Nariman, of Supreme Court of India, after relying on a long list of rulings, observed that, “Under the Domestic Violence Act, 2005 (D. V. Act), an aggrieved mother-in-law can file complaint against her daughter-in-law. Complaint under D. V. Act can be filed against females whether adult or non adult. The words adult male in definition undr section 2 (q) of the Act struck out as these words discriminate between persons similarly situate and far from being in tune with, are contrary to the object sought to be achieved by the Act.”

The bench further, stated that, “The reach of the Act is that violence, whether physical, sexual, verbal, emotional or economic, are all to be redressed by the statute. That the perpetrators and abettors of such violence can, in given situations, be women themselves, is obvious. Definition of domestic relationship contained in Section 2(f) is a very wide one It is a relationship between persons who live or have lived together in a shared household and are related in any one of four ways: blood, marriage or a relationship in the nature of marriage, adoption, or family members of a joint family. A domestic relationship involves persons belonging to both sexes and includes persons related by blood or marriage. This necessarily brings within such domestic relationships

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male as well as female in-laws, quite apart from male and female members of a family related by blood.”

In Ram Saran Varshney and others v. Stae of Uttar Pradesh and another. an F.I.R. was lodged against the husband, his parents and his three sisters under s. 3 and 4 of the Dowry Prohibition Act, 1961 and s. 498A and 506 of I.P.C. The bench, comprising of Justice Jagdish Singh Khehar and Justice N. V. Ramana, of the Supreme Court of India, on Feb. 02, 2016, after hearing all the facts, evidences and arguments of both the parties, stated that, “Since all the three sisters of the husband of the respondent lady are married, and living independently in different places, they had no concern with the relationship of the respondent lady and her husband and in-laws. Furthermore, our attention was also invited to the fact, that no clear allegations have been leveled by respondent lady against any of the three sisters of the husband of the respondent lady. Even during the course of hearing, respondent lady, who entered appearance in person, did not contest the aforesaid factual position. Her only submission, during the course of hearing was, that her three sisters-in-law had visited her matrimonial house, on the occasion of 'Grah Parvesh', and the 'Naming Ceremony' of her daughter. We are of the view, that the visit of the three sisters-in-law of respondent lady, on the above two occasions were for celebration, and cannot be treated as occasions, where they harassed her. In any case, in the absence of any material on the record of this case, relating to harassment on the above two occasions, we are satisfied, that the proceeding initiated against the three sisters of the husband of the respondent lady, consequent upon the registration of the first information report by respondent lady on 10.04.2002, was not justified. The same deserves to be quashed. The same is accordingly hereby quashed in favour of the three sisters of the husband of the respondent lady under s. 3 and 4 of the Dowry Prohibition Act, 1961 and s. 498A and 506 of I.P.C.”

In one more case, in Akbar @ Faruk v. Staet of Rajasthan & Anr., Justice Sandeep Mehta while deciding the revision petition stated that, “The sole witness examined by the prosecution so as to bring home the charges against the petitioner was the allegedly kidnapped girl Mst. Shahiba. Neither in her statement recorded under Section 161 Cr.P.C. nor in her statement recorded by the Magistrate under Section 164 Cr.P.C., did she state that she had been enticed from the lawful guardianship of her father by the petitioner or that she was kidnapped and taken away by him. She clearly stated that she wanted to visit Chittorgarh and accompanied the accused of her own free will. Thus, no element of enticing and causing the minor to go to any place is disclosed from the admitted case set up by the prosecution. In this background, there was no justification for the trial court to have directed framing of charge against the petitioner for the offence under Section 363 and 366 of the IPC. As a consequence of the above discussion, the revision petition deserves to be and is hereby allowed. The order dated 10.06.2014 passed by the learned Additional Sessions Judge No.4, Jodhpur Metropolitan and also subsequent proceedings sought to be taken therein against the petitioner are hereby quashed. Record be returned to the trial court.”

There is an old proverb that woman becomes the enemy of woman. The power given to women is needed to be handled; otherwise one should not be wondered if the right points of women will be ignored. The government has executed the laws very strictly in relation to that matter after the brutal incident of Damini at Delhi. The effect of those laws is seems to be in force. Those laws give such a power to women that no one can escape from them. But, many cases come before the police and courts, in which these strong laws are heavily misused. We should have to seriously think over it before the time lapses. In the starting of the year 2015, two girls of Rohtak (Haryana) were seen to be fighting in a Haryana Roadways bus with boys in their self defense. That incident stunned the whole country. Whole incident was before the public through the mode of internet and media. But, later on when the other aspect of that incident came out, that started the arguments for the misuse of the laws by women against men. Respect

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regarding women can never be lost away. But, it should not happen that misuse of these laws by women take them to that position, where every matter will be seen with doubts and women shall be compelled again to wander door to door for the protection of their respect and rights. Think over it.