



# “Balancing Protection and Fairness: Examining the Misuse of Dowry Laws and Its Impact on Families”

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## **Abstract**

*This research paper examines the growing concern regarding the misuse of dowry-related laws in India. The Dowry Prohibition Act, 1961, along with subsequent legal provisions such as Sections 498A and 304B of the Indian Penal Code, was enacted to protect women from cruelty and dowry-related violence. While these laws have played a significant role in safeguarding women's rights, their misuse in certain cases has led to adverse consequences for husbands and their families, including social stigma, legal harassment, and reputational harm. The study aims to analyze key patterns of misuse, identify the socio-legal factors contributing to such abuse, and assess the challenges faced by the accused families. It also critically evaluates the gender-specific nature of dowry laws in light of the constitutional principle of equality before the law. The paper emphasizes the need for a balanced and gender-neutral legal framework that ensures protection against genuine cruelty while preventing the abuse of legal provisions. Ultimately, the research seeks to contribute to the discourse on reforming dowry laws to achieve fairness, justice, and effective legal protection for all stakeholders.*

## **Keywords**

Dowry, Dowry Death, Cruelty, Misuse of Dowry Laws, Harassment.

## **Introduction**

In earlier societies, the practice of giving dowry at the time of marriage was prevalent, wherein the bride brought wealth or property from her parental home to her matrimonial home. Dowry was traditionally perceived as a voluntary gift or token offered by the bride's family to the groom's family and commonly included cash, jewellery, furniture, electronic appliances, household utensils, and other items of daily use. Although the nature and form of dowry varied across cultures, communities, and traditions, some form of material exchange during marriage was widely accepted as a customary practice.

Over time, this custom gradually transformed into a coercive demand. Families that were economically disadvantaged or unable to meet dowry expectations were subjected to pressure, harassment, and cruelty, with the burden disproportionately falling upon the bride and her family. This regressive trend intensified with time,

leading to widespread social concern. To curb such practices and protect women from dowry-related harassment and violence, specific dowry laws were enacted, providing legal remedies and prescribing punitive measures against offenders.

Marriage, once regarded as a sacred institution, increasingly became associated with material transactions, moving far beyond the traditional concepts of *Dakshina* and *Vardakshina*. Among middle- and upper-class families, dowry evolved into a symbol of social status, prestige, and economic mobility. Discontent over dowry amounts has resulted in serious social evils, including domestic violence, physical abuse, mental torture, suicides, and extreme forms of cruelty such as bride burning.

Although official statistics indicate a gradual decline in dowry deaths over recent years, the issue remains alarming. According to data published by the National Crime Records Bureau (NCRB), approximately 6,000 to 8,000 dowry deaths are reported annually in India. Further, between 2017 and 2022, a total of 35,493 dowry-related deaths were recorded, with a reported increase of approximately 14% in 2023. Failure to meet dowry demands often exposes the bride and her family to severe social, physical, and psychological consequences, making dowry a deeply entrenched social problem.

In response, various protective legislative measures were introduced to safeguard women and their families. However, a growing concern has emerged regarding the misuse of these protective laws. In some instances, provisions intended to ensure women's safety are allegedly being exploited for personal gain, including financial extortion from the groom and his family. The misuse of anti-dowry laws, even by educated and economically empowered women in certain cases, has raised serious questions about the imbalance of legal power and its impact on men and their families. Such misuse not only undermines the original intent of the legislation but also contributes to marital discord, reputational harm, and increased interference by in-laws in the marital relationship.

## **Historical Background and Legislative Framework of Dowry Laws**

There is a gap that exists in the explanation of Dowry as it has changed its meaning over years. Basically Dowry was a form of marriage transaction from the end of bride's family to the new couple. Earlier it was a form of compensation for the so-called Non-productive woman, so that they can get married. But now the aspect of dowry has changed. In recent years it is given in the form of gifts or just to show off the classics of the rich families. If we speak of the perspective of Goody (1972, 1976)<sup>1</sup>, he thought that dowry giveaway is a form of giving daughter her share in the ancestral wealth. He pointed out that it is a way of giving the daughter her amount of share as dowry. Because in earlier times there were no property share among the daughter, only son inherits the property of ancestor. So, it might be a way of giving her a share in property.

It is also observed that boys with higher education get the large amount of dowry as a mark of paying respect to him degrees<sup>2</sup>. It has different meaning in different societies like some people give dowry as to give safe deposit to their daughter so that she can use it at the time of need and some people give it so that the In-Laws of their daughter stay happy and treat their daughter well. Even for now it is followed as a ritual but the name has changed for it, now people call it as a gift or 'Aashirwad' for their daughter and her husband. The way of giving dowry has changed, earlier it was given at the time of marriage, and if not given then marriage gets cancelled. But now some gifts are given previously and some subsequently on special occasions. Even for the educated class people who are self sufficient, they also demand dowry for their son's. by all means dowry is basically giving as to fulfill the demands or greed of the Groom's Family. The concept of giving all these gifts is also known to be as 'kanyadan'

<sup>1</sup> Steven Harrell and Sara A. Dickey, "Dowry System in Complex Societies" ( April, 1985)

<sup>2</sup> Santosh K Mahato, "Dowry: The decision of parents" (September, 2016)

or 'dan'. The things given to the groom is known as 'Vardakshina' the traditions says that the giving of gifts to bride which is known to be as 'Streedhan' is for her Economic Security<sup>3</sup> and Well-Being.

## **Provisions related to dowry**

As to curb the practice of Dowry there are some provisions which are crafted so that it could provide protection to woman and help them in surviving the situations of Dowry Demand from the In-Laws. There are several provisions which are given related to dowry and some of them are mentioned below:

### **1. Dowry Prohibition Act, 1961**

(a)Section-2 (Definition of Dowry) - In this Act, "dowry" means any property or valuable security given or agreed to be given either directly or indirectly— (a) by one party to a marriage to the other party to the marriage; or (b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person; at or before [or any time after the marriage] [in connection with the marriage of the said parties, but does not include] dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.

(b)Section-3 (Penalty for giving or taking Dowry) - If any person after the commencement of this act, gives or takes or abets the giving or taking of Dowry, he shall be punishable with imprisonment for a term not less than 5 years and with fine which shall not be less than fifteen thousand rupees or the amount or value of Dowry, which shall be more.

(c)Section-4 (Penalty for Demanding Dowry) – If any person demands, directly or indirectly from the parents, guardians or other relatives of bride or bride groom, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but it may extend to 2 years and with fine which may extend to ten thousand rupees.

(d)Section-5 (Agreement for giving or taking Dowry to be void) – Any agreement for giving or taking of dowry shall be void.

### **2. Bharatiya Nyaya Sanhita, 2023**

(a)Section-80 (Dowry Death) – Where the death of the woman is caused by bodily burns or bodily injury or other cause within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband, in connection with any demand for dowry then it is called as Dowry Death. Anyone who commits dowry death shall be punished with imprisonment for a term which is not less than seven years and it may extend to imprisonment for life.

(b)Section-85 (Husband or Relative of husband of a woman subjecting her to cruelty) – Whoever being the husband or the relative of the husband, subjects such woman to cruelty such be punished with imprisonment for a term which may extend to three years also liable to pay fine.

(c)Section-86 (Cruelty Defined) – Cruelty means any willful conduct which is of such nature as to drive woman to commit suicide or to cause grave injury or danger to life, limb and health (whether physical or mental) of a woman. Harassment done in such a way that coercing her or any relative of her to meet any unlawful demand for property or any valuable security and woman fails to meet that demand.

### **3. Bharatiya Sakshya Adhiniyam, 2023**

(a) Section-117 (Presumption as to abetment of suicide by a married woman) – when the question is that whether the commission of suicide by woman has been abetted by her husband or relatives of her husband. And it is shown

<sup>3</sup> Ved Kumari, "The Definition of Dowry- A Continued Enigma" (June, 2019)



that she had committed suicide within a period of seven years from the date of her marriage and was subjected to cruelty. The court may presume having regard to all circumstances that such suicide had been abetted by husband or relatives.

(b) Section-118 (Presumption as to Dowry Death) – When it is shown that soon before the death of woman she had been subjected to cruelty and harassment in connection with demand for dowry, such person is presumed to be the culprit of the death of the woman.

## **Role of the Judiciary in Shaping Dowry Law Jurisprudence**

Here are some of the judicial interpretations which will make up understand better about the scenarios of the misuse of Anti-dowry Laws. These are the precedents which are establish as to cite them further in the cases which are of similar nature and to avoid such kind of misuse in the future. These cases set an example for future generation as not to use laws violently and recklessly, otherwise there will be legal implications against them. Some of the well established precedents are as follows.

### **1. Archin Gupta V. State of Haryana (2025)<sup>4</sup>**

The Supreme Court held that the Section-498A of IPC should not be applied mechanically. Court observed that minor issues are exaggerated by wife's family which leads to misuse of Police Machinery to harass their husbands. Sometimes the relatives of wife make a mountain of situation out of a mole. Instead of solving the matter and try to save the marriage they try to sabotage the marriage and involves police as if they are panacea of evil. The hatred for husband and his family brings about the complete destruction of the marriage. The court held that such things amount to abuse of legal process and High Court should have quashed FIR under Section-482 of CrPC.

### **2. Sushila V. State of UP (2025)<sup>5</sup>**

This is a landmark judgment of 2025; here Supreme Court quashed the judicial proceedings against the relatives accused in dowry case. The rule emphasized the need for concrete and credible allegations against family members and to prevent the misuse of criminal law against family members. The court noted that the allegations against the family were vague, unsubstantiated and some occurred after a valid divorce, making a trial against them illogical. the complaints against the relatives were largely bald and generic, with the grievances against husband. The judge reinforced that indiscriminate prosecution of family members based on vague allegations is an abuse of legal process and requires intervention.

### **3. Geddam Jhansi V. State of Telangana (2025)<sup>6</sup>**

Geddam Jhansi and her co-accused, stating that vague allegations of cruelty and domestic violence against extended family members are abuse of the legal process. The court emphasized that prima facie case requires specific allegations and evidences, not a mere statement arising out of the matrimonial dispute. Geddam Jhansi was mother In-laws younger sister; court quashed the proceedings against her, citing lack of specific allegations and credible evidence against them. It was also noted that in matrimonial disputes, emotions can led to implicating relatives who are not directly involved. The judgment stressed that the legal process should not be used to harass the innocent family members.

### **4. Ghanshyam Soni v. State(NCT of Delhi) (2025)<sup>7</sup>**

<sup>4</sup> [2024] 6 S.C.R. 129 or 2024 INSC 369.

<sup>5</sup> (2025) 5 S.C.R. 161 : 2025 INSC 505

<sup>6</sup> 2025 INSC 160; [2025] 3 S.C.R. 1

<sup>7</sup> 2025 INSC 803

This case raised the important concerns about the delayed complaints in matrimonial conflicts and indiscriminate rules regarding the provisions like section-498A of IPC. The judgment in this case harmoniously balances doctrinal precision with equitable relief. While reiterating that procedural limitations under section-468 CrPC should not defeat legitimate complaints filed within the prescribed timeline, the court simultaneously cautioned against indiscriminate and omnibus impleadment of multiple family members and distant relatives in matrimonial disputes.

#### 5. Rajesh Chaddha v. State of UP (2025)<sup>8</sup>

A landmark judgment redefining the Application of Anti-Dowry Laws and Cruelty Laws. The prosecution failed to establish cruelty or dowry demand beyond reasonable doubt, allegations were vague, omnibus and bereft of particulars. No documentary or medical evidence were corroborated asserted injuries or miscarriage, hence the core narrative remained speculative. The Trial Court's partial conviction and the High Court's perfunctory concurrence ignored the appellant's right to rigorous judicial scrutiny under revisional jurisdiction. The court underscored the alarming trend of maliciously roping in extended family members and relatives.

#### 6. Dara Lakshmi Narayan V. State of Telangana<sup>9</sup> (2024)

The Supreme Court quashed the criminal proceeding under Section-498A of IPC and section-3 and 4 of Dowry Prohibition Act. It noted that the allegations lacked the specific instances of cruelty and harassment by family members. Merely naming family members without concrete evidence amounts to abuse of legal process. The court emphasized that such misuse of section-498A to harass husband and his family must be curbed and held that High Court erred in not quashing the FIR under section-482 of CrPC<sup>10</sup>. Court further said that the inclusion of Section-498A of IPC was to protect woman from the harassment and cruelty of husband. But nowadays it has been seen that such provisions are being misused by woman to harass husbands and extort money from them in the name of Dowry.

#### 7. Yashodeep Bisanrao Vadode v. State of Maharashtra (2024)<sup>11</sup>

The Supreme Court acquitted Yashodeep from the charges of Section-498A of IPC. Supreme Court set aside the lower court's conviction due to lack of specific evidences. It emphasized the need to avoid over-implication in domestic cruelty cases and ensuring that each individual has concrete evidence against them. The conviction was based on vague evidence and prevalent issues. This highlighted the importance for court's to be highly cautious and identify instances of over-implication, as it is common these days for complainants to exaggerate the case and extend it to the relatives of the husband.

#### 8. Arnesh kumar v. State of Bihar<sup>12</sup> (2<sup>nd</sup> July, 2014)

This is a landmark judgment which established the guidelines to prevent the misuse of Section-498a of IPC and curb arbitrary arrest. This judgment directed police to follow 9 checklists from section-41 of Code of Criminal Procedure to determine the necessity of arrest and arrest cannot be solely made on the basis of a complaint. Police must be satisfied that arrest is necessary based on the specific grounds, only then accused should be arrested. Also, police must give the reason of arrest in writing to the accused. This judgment warned the police officers that who do not follow the guidelines may face legal action.

<sup>8</sup> SLP(Crl) No.-002353-002354 of 2019

<sup>9</sup> Apoorva, "Supreme Court quashes false dowry case; highlights growing misuse of Section 498A IPC against husband and his family for personal vendetta" (11 December, 2024)

<sup>10</sup> 2024 SCC Online SC 3682

<sup>11</sup> (2024) 11 JT 5

<sup>12</sup> AIR (2014) 8 SCC 273

## **Challenges in Implementation of Dowry Laws**

In this research paper, we critically analyzed the problem and came across many challenges that are faced by the in-laws in the false dowry cases which are alleged by the bride and her family. The provision provided under the IPC i.e., section-498A and 304B are for the protection of woman but now a day's woman use them to harass man and extort money in the name of dowry<sup>13</sup>. There are several challenges which are faced by husbands and his family and relatives, as we can saw in the above cases which are cited that what is the judicial view on the misuse of the dowry laws. Also, the perception of the court can be seen through these cases i.e., what is the analysis of the court and all about its decision in favor of either of the party. These provisions were made with good intentions but no one knows the outcome would be this disastrous. The growing tendency among the woman has been perpetuated by family members mostly i.e., her parents and relatives. They instigate and support woman to file case and make this whole thing a big issue even when it can be sorted by discussion among the couples. Some instances come to light where the complaints made by bride and her family are made with oblique motive and complainants are not bonafide. Supreme Court and various High Courts have acknowledged these challenges and allegations in the cases which are mentioned above and gave guidelines to curb the misuse of provisions which are made for the benefit of woman. These guidelines emphasized the need for proper investigation and the process of mediation is also recommended and cautions against the immediate arrest of distant relatives. There are following points which highlight the major challenges faced by the family members and relatives of the husband, some of them are as follows.

### **1. Social Stigma and Humiliation**

The filing of Police Complaint even if the charges are frivolous and vague, brings about social stigma and humiliation among society to the entire family members. This brings about the feeling of depression among the family members and forces them to take some serious steps. Damaging the reputation of family within their community and making them face the false allegation. As we can see in the case of *Manav Adhikar v. Union of India* (2018)<sup>14</sup>, Supreme Court realized the social stigma and trauma caused by the section-498A allegations. Directions were modified in the case of *Rajesh Sharma* but reiterated concerns about misuse. This kind of thing affects the personal as well as the professional lives of the people leading to destruction of lives of innocent people.

### **2. Prolonged Legal Battles and Financial Burden**

Navigating the criminal justice system is a long, tiring and expensive process. In-laws often face protracted legal battles, which involve substantial legal fees, travelling cost especially for those relatives who are living outstation and it also causes potential loss of business and employment opportunities. The case of 498A takes years to be solved, repeated court appearances, travel burdens and financial burdens. These kind of cases exerts the financial burden on families too as the expense for an advocate is quite expensive, some people can't even afford it. As we can see in the case of *Chandra Bhan Singh v. State of Rajasthan*<sup>15</sup>, court noted that Section-498A cases often become a 'weapon rather than a shield' which causes prolonged litigation. Also in the case of *Savitri Devi v. Ramesh Chandra*<sup>16</sup>, this case highlighted that sometimes 498A act as a tool for harassment which leads to unnecessary trial of innocent relatives.

<sup>13</sup> Aryan Gupta, "Analysis of S-498A IPC : Legal Armor or Legal Ammunition?" (31 December, 2024)

<sup>14</sup> (2018) 10 SCC 443

<sup>15</sup> AIR1983RAJ149

<sup>16</sup> 2003CRILJ2756

### 3. Vague and Exaggerated Allegations

Complaint often contains vague and exaggerated allegations, naming many members of family indiscriminately without attributing specific act of cruelty to each individual. Courts have acknowledged this tendency over the past few years and cautioned against it but it remained a continued practice. As we saw in the case of *Kahkashan Kausar v. State of Bihar (2022)*<sup>17</sup>, Supreme Court held that there is growing tendency to implicate relatives and file bogus and vague case against them cannot sustain prosecution. In the case of *Preeti Gupta v. State of Jharkhand (2010)*<sup>18</sup>, Supreme Court observed that large number of family members are often falsely implicated which includes distant relatives too.

### 4. Emotional and Psychological Trauma

Continuous legal process cause mental trauma and harassment especially for the elderly In-laws and relatives as they cannot take such trauma at this peak age. As the court appearances become hasty for the elders which cause physical stress. The process can cause severe trauma for all which includes feeling of betrayal, helplessness, anxiety and depression. As we can see in the case of *State of Haryana v. Bhajan Lal (1992)*<sup>19</sup>, this case provides categories where cases can be quashed which includes malicious prosecution and abuse of law. Also in the case of *Sushil Kumar Sharma v. Union of India (2005)*<sup>20</sup>, here Supreme Court discussed the misuse of 498A and how elderly people suffer in all these chaos.

### 5. Difficulty in Proving Innocence

The burden of proving innocence lies on the accused, generally the burden of proof lies on the prosecution but in practice the accused must gather strong evidences like audio or video recordings, emails, financial records, call records and witness statements. So when needed then accused can show them in this favor and prove his innocence. Accused must also show the absence of innocence but it became burdensome sometimes.

### 6. Disruption of Family Life

The legal proceedings disrupt family life and relationships which creates rancor and bitterness among the relations. The process can also cause negative impact on family members like young members of family, children or elderly, sick relatives who are dragged in the criminal proceedings. Sometimes these cases cause severe impacts on the lives of children if parents get divorced then the children will be the most affected person. Even grandparents also get affected by this because they get away from their grandchild. Sometimes it causes emotional trauma. As we can see in the case of *B.S. Joshi v. State of Haryana (2003)*<sup>21</sup>, Supreme Court allowed quashing of 498A proceedings on settlement, noting that criminal proceedings worsen the matrimonial disputes.

### 7. Impact on Employment

These kinds of cases also impact the employment of the accused or his family members or persons related to him. The adverse impact included the removal from the job, termination from the high post, and suspension from the job. Accused or his relatives may even face problem in securing job for future references. Even they might face problem in travelling out of country as their passports might be seized due to protocol reasons. So it will affect the employment process of an individual and his family. It can lead to dearth of basic daily life commodities in home.

<sup>17</sup> (2022) 6 SCC 599

<sup>18</sup> (2010) 7 SCC 667

<sup>19</sup> (1992 Supp (1) SCC 335)

<sup>20</sup> (2005) 6 SCC 281

<sup>21</sup> (2003) 4 SCC 675



## **Need for Legal and Policy Reforms**

The study concludes that the cases filed under Section-498A of Indian Penal Code are mostly vague and frivolous. As we saw in the above segments that there are many cases which are files as to harass the husband and his family, also to extort money from then in the name of Dowry Demand. The police machinery is misused and being subjected to the harassment of Husbands by wife. Sometimes the cases are not that grave but they are being exaggerated by the family of wife and her relatives. Family members and the relatives of the wife provoke her to take the case to the police authority and it makes the case more serious. The provision given under Indian Penal Code is to protect and safeguard woman but the way it is used is very dangerous as it accuses a person who is even not at fault. It also drag relatives of husband who don't even have any connection to the case. This creates a hassle in lives of the persons who are accused, as they have to be present in court at the time of hearing and spend a large amount of money to advocates to fight their cases. Also waste the precious time of Policemen who investigates the case and put a lot of effort to carve out the truth. There were many cases cited above which shows the registration of fake cases. Those cases consume at lot of time of the court and it leads to the delay of the proceeding of such cases which are of utmost importance. These kinds of vague cases divert the mind of court and nil out the creativity of our judges.

As per the NCRB (National Crime Report Bureau), a total of 10193, 19235 and 10865 cases of cruelty by husbands and relatives were found false, mistake of law or fact after police investigation during 2011, 2012, and 2013 respectively showing a trend. The Ministry of Home Affairs has issued two advisories to the states/UT's to curb misuse of 498A of Indian Penal Code on 20.10.2009 and 16.01.2012 respectively. These advisories advices states/UT's on judicious and cautious application of Dowry laws as to ensure that no innocent person get victimized.

A portion of report suggests that cases filed under Section-498A of IPC are mostly vague. An analysis of 2020 NCRB report indicates that out of over 1,11,549 cases registered, around 5,520 cases were found to be false. Overall 16151 cases were closed by police because either they were false or mistake of fact or law. That is 14.4% cases were closes by police for not finding merit in the case. Another analysis states that about 5% of cases registered under Section-498A of IPC are false. NCRB also indicates the low conviction rate in these cases indicates the potential of misuse of such cases. Additionally, about 16,151 cases were closed by police because they were found to be false, mistake of law and fact, a civil dispute and lack of credible evidence. In 2022, the conviction rate was reported to be 12.9% only, the low rate of conviction shows that the law is being misused. A 2020 report from Faculty observed that the number of convictions in 2018 was lowest in the decade; with only 4892 cases resulted in conviction. Some analyses points to the potential use of law for 'legal extortion' where it is unlawfully used to extort money and property. This shows the rise in the filing of false report of cases related to Section-498A of IPC. In some cases the law is used as a bargaining tool in divorce and separation proceedings. The number of arrests has been higher in the case of 498A than the number of charge sheets filed, which shows potential issue with high arrest rates. Moreover, the victims of false case can invoke the Section-182 of Indian Penal Code (False information with intend to cause public servant to use his lawful power to injure another person) which provides for a term which may extend to imprisonment of 6 months or with fine or both.<sup>22</sup>

## **Causes Behind the Misuse of Dowry laws**

There are many factors which lead to the misuse of Section-498a of Indian Penal Code, here are some of the following causes:

### **1. Greed of woman**

Sometimes it is the Greed of woman who wants to grab everything that is owned by husband and take it away from him. This leads to the breakage of marriage and leads to divorce. In this kind of case woman doesn't have

<sup>22</sup> Sadhna Gupta, "Tribulations around Section 498A of IPC, 1860 in India" (02 September, 2023)



any connection or any attachment towards husband, all she wants is his property and money that he owns. So she wants to take it in the name of alimony.

## 2. Want of Nuclear Family

Woman these days don't want to live with their in-laws as they have a habit of living a life full of freedom and with no restrictions, so they want to be separate from their In-laws. So their demand of nuclear family creates the dispute of divorce. They want to live with their husband and child in a nuclear family. This could be a reason for framing a false case of Section-498A of Indian Penal Code, so that they can coerce or pressurize their husband to live with them separately.

## 3. Adultery

Adultery can also be a reason for breakage of marriage. For an instance let's take an example that wife has a extra marital affair so she would be wanting to end that marriage. Woman use tactics like imposing false charge of Dowry on husband and his relatives, so that she can escape from the marriage and also get money for that which she can use in future. Also, if husband get engaged in an extra marital affair then she uses it as a tool and imposes the charges of cruelty upon him. Such actions of husband can be termed as mental cruelty and it leads woman to file case under Section-498A of Indian Penal Code.

## 4. Married against will

If a woman is married against her will then she uses tactics like her husband is treating her with cruelty and harasses her for dowry so that she can escape from marriage. This kind of thing provokes woman to file a false case under Section-498A of IPC against her husband and In-laws. This could be a sole reason for filing of such fake cases. These kinds of cases assert pressure on judiciary system to dissolve the marital tie.

## **Concluding Remarks and Suggestions**

Every law is made for the justice and good for society. But as we see here the provision of Indian Penal Code is being misused continuously by woman. A coin has two sides i.e., heads and tails. Similarly, a law has two sides i.e., one can be used as a weapon and other as shield. So woman are using Section-498A of Indian Penal Code as a weapon against man and his family as we saw in many cases. Woman are given more priority than man in such kind of cases, but as we see the growing false cases now these cases are in scrutiny and interrogated carefully as to curb the fake charges against innocent. Earlier it was like "A man is guilty until proven innocent and woman is innocent until proven guilty" but now this criterion has changed. Both the genders are given equal opportunity to present their case and given chance to be heard by the judges. This law was made in 19<sup>th</sup> century when the condition of woman was so poor but now a days woman are literate and well known about their rights given by law, also knows how to put them in use. But the evil minds of some woman coerces them to do such thing like filing false cases against their husbands and his family members to extort money and property from them. Woman with these rights have become threat for the society and this has to be stopped, that's why the rule of immediate arrest was removed. Because in these kind of cases husband was immediately arrested after the case is filed but now this has changed. Firstly the case goes through whole scrutiny and interrogation was done quite well, only then if any evidence is found against men then there will be issuance of warrant to arrest him. As we saw above there were plenty of cases filed with false allegation upon man and his family. These cases creates many problem in the lives of man and his family, as they have to spend thousands to get rid of the case, these kind of cases are time consuming which diverts the mind of man from his employment and work, also it is a hectic task for elderly parents to regularly visit courts and be present in every hearing. There are many problems but woman doesn't get that, if evil things hit her then she only thinks about herself and money which is extorting in the name of dowry.

Supreme Court also gave some guidelines after such cases, like to follow the procedure laid down under Section-41 of CrPC before arresting any person under 498A of IPC, police must inform magistrate and give reason in writing within two weeks to the magistrate about arrest and accused must be told all about his charges, if the police officer doesn't comply with all these guidelines then he must face departmental inquiry or be held under contempt of court, if detention of accused is done without any reason then also there will be departmental inquiry. These were the guidelines which are quoted by Supreme Court as to provide protection and safeguarding the rights of man. Due to these kind of cases the reputation of husband and his family members get destroyed and they had to face severe criticism in the society. Scope of marriage for younger sibling gets very less due to breakage of elder sibling's marriage that to because of dowry demands. The entire family is provoked to commit suicide as they will never be accepted by society as were earlier. These were all consequences faced by husband and his family members

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