
THE AFTERMATH OF SECTION 498A IN INDIAN SOCIETY

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INTRODUCTION

Marriage is a crucial part of our Indian society. It is generally referred to as a sacrament and holds great value. After marriage, both spouses have equal rights throughout the marriage.

However, sometimes, marriage is not as pure as society makes it seem. There are many evils behind the facade of marriage, and one such major issue is cruelty against women. This is not a new notion in our society. Offences against women are present and have been known to humankind since time immemorial. Even after marriage, a woman is not safe as she is mistreated even by her husband and his family members.

So, to deal with this problem, Section 498A was introduced in the Criminal law second amendment of 1983. Even before this section came into force, Section 304B was present in the Indian Penal Code 1860, but it was only restricted to dowry death. In contrast, Section 498A deals with all kinds of cruelty inflicted against a woman by her husband or relatives of the husband and is punishable under this section.

But what is referred to by 'cruelty'? For Section 498A, cruelty is defined as –

(a) any sort of wilful conduct of such a nature as likely to drive the woman to commit suicide or cause any grave injury or danger to life, limb or health of the woman

(b) harassment of a woman where such harassment intends to coerce her or any other person related to her to fulfil any illegal demand of any property or valuable security or is the result of failure by her or any person associated with her to satisfy such demand.¹

Under this section, mental and physical cruelty is included², and the cruelty should create

¹Indian Penal Code 1860 Section 498A

² Pawan Kumar v State of Haryana AIR 1998 SC 958

reasonable apprehension in the wife's mind that living with her husband or his relatives is harmful to her life.

One of the best defences against violence against women, reflecting the tragic reality of domestic abuse within four walls, is Section 498 A of the Indian Penal Code.³ Under this section, the husband or the family members of the husband of a woman who subjects her to cruelty are punishable under the law - imprisonment for a term of up to three years along with a fine.

But every right comes with its pros and cons. While Section 498A safeguards women from violence, it also works as a sword against the husband and his relatives. Many women use this section to put fake allegations to fulfil their selfish motives. There is a growing propensity to use laws like Section 498A as a tool to settle personal grudges against the spouse and his family. The woman misuses this section, and the husband and his family are left to fight for their rights despite being innocent.

In many instances, our patriarchal society cannot understand that men also suffer and should be protected. Men can also be victims rather than the offender. It is not always a man's fault; the wife may be at fault.

So, it is clear that Section 498A is a very complex section as it includes complex societal relationships and behaviours.

HISTORY AND DEVELOPMENT OF SECTION 498A

Cases related to cruelty have been present in India for a long time, such as eve teasing, stripping and shaming women. But there are no concrete studies on marital cruelty against women before the pre-independence era. The questions regarding family or marriage have been critical in India's pre-independence and post-independence movements. The women's movement from the 1970s to 1980s highlighted such assaults on women as cruelty inside the family. It also emphasised and bashed the methods in which the State rejected acts of cruelty and did not give

³ 'Misuse of Section 498A IPC' <<https://www.drishtias.com/daily-updates/daily-news-analysis/misuse-of-section-498a-ipc>> accessed 14 May 2023

importance to them.⁴

With time, there were increased incidences of death of young brides due to accidental burning and other unexplainable ways. But it was subsequently discovered that the deaths resulted from harassment of the young bride for dowry by her husband or his relatives. In 1983, Section 498A was added to the Indian Penal Code, 1860, with the passing of the Criminal Law (Second Amendment) Act.

In 1986, Section 304B was introduced, known as "dowry death". Section 304-B does not define 'cruelty', but it shares a common background with 498A related to these offences; hence the meaning of "cruelty of harassment" is the same as given under Section 498A. Under Section 498A, cruelty in itself is punishable, but in Section 304-B, the 'dowry death' is punishable. The period of the death should be within seven years of marriage, but no such period is cited in Section 498-A.⁵

Elements of 304B include:-

1. Cruelty or harassment as under Section 498A.
2. There should be the death of a woman.
3. The death must be within seven years of marriage
4. There must be the presence of burns, bodily injury or otherwise.

In the case of *Shanti v. State of Haryana*⁶, the Honourable Apex Court ruled that Section 498A and 304B are not mutually exclusive. Two distinct offences are examined and addressed. If such a case is presented, a person charged under Section 304B and not guilty may be found guilty under Section 498A without being accused. According to the Supreme Court, to convict someone accused of causing a dowry death, prosecutors must present proof that their demand for a dowry was accompanied by cruelty and harassment.

⁴ Kashish Shah, 'Marital Cruelty and Section 498A' JCLJ (2022) 796 < : <http://www.scconline.com> > accessed on 23 May 2023

⁵ Biswaranjan Panda, 'Sections 498 (A) VS 304(B) IPC are not mutually exclusive' <<https://www.lawyersclubindia.com/articles/sections-498-a-vs-304-b-ipc-are-not-mutually-exclusive-9004.asp>> accessed on 14 May 2023

⁶ *Shanti v. State of Haryana* 1991 AIR 1226

To constitute harassment, it is essential to prove that:-

1. The wife was tormented through constant intimidation or interference.
2. The intention of the husband or his relatives should be to compel her to do something by the use of threats.
3. The object behind it is to fulfil unlawful demands for property or valuable security.

AN ANALYSIS OF THE SCOPE OF SECTION 498A

Chapter XXA of the Indian Penal Code contains a lone section, viz., Section 498A.⁷ The aforementioned section deals with offence of cruelty subjected to a woman by her husband or relative of husband.⁸

According to the wordings of section 498A,

“Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.”⁹

Essential Constituents of section 498A

For an offence to be committed under section 498A, certain conditions must be satisfied. After a proper perusal of the wordings mentioned above, the following essential constituents can be deduced:

1. The victim must be a married woman;
2. Such victim must have been subjected to cruelty;
3. Such cruelty was caused either by the woman's husband or the relatives of husband.

⁷PSA Pillai, Criminal Law (14th edition, Lexisnexis, New Delhi 2019) 629

⁸Supra 1

⁹Supra 1

Analysis of the Essential Constituents

1. The victim must be a married woman

Section 498A provides protection to a “married woman”. This includes not only a legally wedded wife but also a woman who has undergone certain ceremonies with the aim of getting married.

Vasant Bhagwat Patil v State of Maharashtra¹⁰

The High Court of Bombay, in this case, ruled that section 498A IPC mentions the word “woman” and not “wife”. Therefore, the aforementioned section gives protection not only to the “legally wedded wife” but also to a “married woman”.

A Subhash Babu v State of Andhra Pradesh¹¹

In this case, the Andhra Pradesh High Court held that the second wife of the husband is not a legally wedded wife and hence cannot take action under the provisions of section 498A. However, the apex court quashed the order of Andhra Pradesh High court. It opined that such a ruling defeat the legislative purpose of section 498A.¹²

Unnikrishnan v. State of Kerala¹³

In this case, an issue arose regarding the filing of a complaint by a woman in a live-in relationship.¹⁴

It was held that, for an offence to be classified under section 498A the parties must have performed certain ceremonies with the aim of getting married. Therefore, a woman having a live-in relationship cannot file a complaint under section 498A.

¹⁰Vasant Bhagwat Patil v State of Maharashtra [2012]CrLJ 65 (Bom)

¹¹A Subhash Babu v State of Andhra Pradesh AIR 2011 SC 3031

¹²PSA Pillai, Criminal Law (14th edition, Lexisnexis, New Delhi 2019) 631

¹³Unnikrishnan v. State of Kerala 2017 (3) KLJ 918

¹⁴Bare act with comments, ‘The Indian Penal Code’ (2022 edition, Law and Justice Publishing co, Delhi 2022) 220

2. Such victim must have been subjected to cruelty

The explanation to section 498A provides that cruelty includes the following:

- Any wilful act which is likely to cause a woman to commit suicide or cause serious injury or danger to life, health (either mental or physical) or limb of the woman.
- Harassing a woman with the purpose of forcing her or anyother person related to her to fulfil any unlawful demand for any valuable security or property or when such harassment is inflicted due to non-fulfilment of the demand.

A detailed explanation of cruelty has been explained later in this paper.

3. Such cruelty was caused either by the woman's husband or the relatives of husband

Section 498A limits the offence to only the acts committed by the husband or his relatives.¹⁵ For the purpose of this section, irrespective of the legality of marriage, the term “husband” includes any person who has entered a marital relationship with a woman and cohabits with her. The expression “relative” has not been specifically defined. However, a thorough analysis of case laws shows that generally the expression included parents, brothers and sisters of the husband.

Reema Aggarwal v Anupam¹⁶

Reema Aggarwal was the second wife of the offender-husband. She was harassed by her husband and his relatives for not bringing enough dowry. Thereby, she consumed poison. Accordingly, charge sheet was filed against the husband and his relatives under sections 498A and 307 of the Indian Penal Code.

It was contended that since the second wife married during the existence of the prior valid marriage, the husband of such second wife does not fall within the scope of section 498A. It

¹⁵ PSA Pillai, Criminal Law (14th edition, Lexisnexis, New Delhi 2019) 632

¹⁶Reema Aggarwal v Anupam, AIR 2004 SC 1418

was further argued that since the legality of second marriage was in question provisions of the Dowry Prevention Act, 1961 will not be applicable.

The Apex court held that the expression “husband” and “wife” has to be liberally interpreted when the elimination of social evil is a matter of prime importance. Therefore, “the expression husband will include any person who has undergone some form of marriage and in doing so has assumed his position as a husband to cohabitate, live and exercise control over the woman.”

CRUELTY: MEANING AND SCOPE

There is no strait-jacket formula for identifying which acts amounts to cruelty.¹⁷ The statute has purposefully left the definition of cruelty undefined. This was done in order to empower the courts to modify the meaning according to the changing social values and practices.¹⁸ The following factors are taken into account by the courts in each case in order to decide whether an act falls under the ambit of cruelty:

- The social status and background of the parties
- Financial situation
- Other significant factors

Cruelty can be both physical as well as mental.¹⁹ Physical cruelty means any violent physical act which causes pain or injury to the spouse or which causes a reasonable apprehension in the mind of the spouse that such act is injurious to her life.²⁰

There is no generalized definition of mental cruelty. It varies from one person to the other.²¹ Mental cruelty depends on various factors like social status and background of the person, level of susceptibility, level of courage or tolerance to endure such acts of mental cruelty.²² Since it can be inflicted in different shapes, the Judiciary over the year has established

¹⁷Supra 12

¹⁸ Supra 12

¹⁹Supra 2

²⁰Saif Rasul Khan, “Section 498-A: Swinging Between Extremes to Find the Perfect Balance?” (2018) IJLPP 73

²¹PSA Pillai, Criminal Law (14th edition, Lexisnexis, New Delhi 2019) 634

²² Ibid

and interpreted some forms of mental cruelty.²³ Some forms of mental cruelty are as follows:

- Repeated teasing or taunting
- Repeated false claims on chastity of the wife
- A sequence of malicious and provoking law suits where extremely distressing and offensive allegations is directed against a married woman.
- Keeping and providing for the concubine and for her child
- Neglectful conduct of the husband by not providing his wife and children basic necessities of life and expending his income on gambling and other vices.

Cruelty under section 498A

Section 498A is concerned only with the concept of matrimonial cruelty. It categorizes matrimonial cruelty as a punishable offence. The explanations (a) and (b) provided under the section explains what constitutes cruelty under the section 498A.

The explanation of cruelty in explanation (a) has no relation with dowry. It speaks about mental cruelty that causes a woman to commit suicide and is based on the conduct of the concerned person.

The expression “harassment” simply means torturing a person through continuous acts of intimidation and interference. Such harassment falls under the ambit of section 498A if it is done with the perspective to “coerce” the wife to fulfil any unlawful demand with respect to property or valuable security. The expression “coerce”/coercion simply means forcing someone to do something by the use of threat or force.

Therefore, harassment will amount to cruelty if the following essentials are proved:

1. The woman was subjected to torture either physical or mental through constant acts of intimidation and interference.

²³Supra 20

2. Such harassment was inflicted with the purpose to coerce her to do something unexpected by the use of force.
3. Intention of such harassment was to force the woman or her relatives to fulfil any unlawful demands in relation to property or valuable security.

The above-mentioned essentials were laid down in the case of *Savitri Devi v Ramesh Chand*²⁴.

Thus, it can be said that section 498A is concerned only with cruelty or harassment caused to a married woman by her husband or his relatives which is likely to cause serious injury to life and body (either physical or mental) of the woman or causes her to commit suicide. The act of merely demanding dowry does not fall within the scope of section 498A.²⁵

LAW COMMISSION AND COMMITTEE REPORTS ON SECTION 498A

Malimath Committee

The report of the Malimath Committee suggested that section 498A be categorized as bailable and compoundable offence. The reason behind such a recommendation, as the report states, was the indefinite number of frivolous and exaggerated complaints and the existing nature of section creates an obstacle for settlement and reconciliation.

Law Commission Report No. 243

Through its Report No. 243, the Law Commission of India thoroughly examined Section 498-A.²⁶ In response to the concerns of misuse of the section, the commission conducted a thorough investigation of the said matter and provided some suggestions.

Some of the suggestions of the Law Commission are as follows:

1. The Supreme Court and other High Courts have taken legal note of the widespread misuse of Section 498-A. The Rajya Sabha's Parliamentary Committee on Petitions has also noted this. But the misuse alone can be the reason to scrap the section. While keeping in mind the social aim of the Section and the requirement for deterrence, it is

²⁴*Savitri Devi v Ramesh Chand* [2003]CrLJ 2759

²⁵PSA Pillai, *Criminal Law* (14th edition, Lexisnexis, New Delhi 2019) 635

²⁶*Supra* 20

also important to make sure that complaints made with false or exaggerated claims out of ulterior intentions or in a fit of anger are restrained.

2. It is necessary to spread awareness regarding the remedies available under the provision particularly among rural men and women. In this respect, Non-governmental Organizations (NGOs), media, District and Taluka Legal Services can play a key role.
3. As per suggestion of the Commission in its 237th Report, the offence under S. 498-A must be rendered compoundable with the court's approval and subject to a 3-month cooling-off period.
4. The offence under the provision shall remain as a bailable offence. The best defence against arbitrary and unjustified arrests, however, is to ensure that the police are aware of the procedures to be followed in situations of this kind and that they scrupulously adhere to the word and spirit of the requirements outlined in Sections 41 and 41-A of the Cr.P.C. related to the power of arrest.
5. It has been suggested that sub-section (3) be added to section 41 CrPC to avert arbitrary and unnecessary detention of the individuals.
6. The amount of compensation under Section 358 of the Cr.P.C. must be enhanced from Rs. 1,000 to Rs. 15,000, and this proposed amendment is not limited to the Section under discussion.
7. Above all, the Judiciary and Prosecution shall pay close attention for the speedy disposal of cases.

A SHIELD OR A SWORD? – JUDICIAL INTERPRETATION

Earlier women were hesitant to voice out against the cruelty and harassment inflicted within the institution of marriage. However, after the enactment of the section 498A, a lot of women have come forward to register their complaint. Today due to the increase in the number cases registered under this provision, women are no longer afraid to raise their voices.

The purpose of Section 498-A was to act as a shield to protect women from different forms

cruelty, dowry, harassment, abuse, etc. in their marital relations.²⁷ However, there have been cases where women have violated the provision by levelling baseless accusations against the husband and his family members in an effort to get rid of them or to expose them public disgrace and contempt.²⁸ Women who have knowledge that the offence under the section is non-bailable and cognizable, exploit it in order to ensure that their husband and his family are put in prison as soon as the complaint has been registered by them. Several High Courts and the Supreme Court have taken cognizance of the issue.

In the case of *Savitri Devi v Ramesh Chand*²⁹, the court stated that “*there was clear misapplication and manipulation of the provisions to such an extent that it was striking at the foundation of marriage itself and evidenced to be detrimental for well-being of society at large*”. It further held that the lawmakers and the administration must assess the legal provisions and present situation in order to prevent violation of the section.³⁰ Justice Kapoor claimed that Section 498-A was to blame for the social catastrophe and wreaking havoc on the concept of a family.³¹

Then came the case of *Sushil Kumar Sharma v Union of India*³².

In this case, the grounds of challenge were-

1. Husband and his relatives are abused by married women by instituting fake cruelty cases.
2. It is an easy tool in the hands of police and crime against women cell to harass the husband and his relatives.
3. The courts start the cases with presumption that the accused persons are guilty.
4. Instead of curbing a menace, it has itself become menace.

²⁷Supra 20

²⁸ Ibid

²⁹ *Savitri Devi v Ramesh Chand* 2003 (109) CRLJ. 2759)

³⁰Supra 20

³¹ Ibid

³² *Sushil Kumar Sharma v Union of India* AIR 2005 SC 3100

The Supreme Court upheld the constitutional validity of Section 498A. Mere possibility of abuse of provision does not per se make a law ultra vires to the constitution. Action and not the Section is vulnerable. The Court can set aside the action and grant appropriate relief to the aggrieved person

Further in the case of *Arnesh Kumar v State of Bihar*³³, the Apex Court recognised that *“Section 498-A Indian Penal Code is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives.”*³⁴ The judge further stated that unless a proper judicial investigation of a dowry has been done, a police officer cannot frequently arrest the accused.³⁵ A number of suggestions were made to stop the abuse of Section 498-A, including the use of check lists, non-compliance that would result in legal action against the police officer, and others.³⁶

In the case of *Preeti Gupta v State of Jharkhand and Anr*³⁷, the court held that the maximum number of cases are *“filed at the heat of the moment over trivial issues without proper deliberations.”*³⁸ Extreme care and caution has to be exercised to ensure that the social fabric of the family remains intact.³⁹

In the recent case of *Rajesh Sharma v State of UP*⁴⁰, The Supreme Court issued some directives to safeguard the interest of innocent person in fake cases under Section 498A:-

1. The SC directed the State governments to set up Family Welfare Committees (FWCs) in every district under the District Legal Service Authority. It was done with a purpose to receive all complaints under section 498A and check their veracity and interact with the parties.
2. No arrest of the accused is to be done unless veracity of the complaint is ascertained through the FWCs reports.

³³ *Arnesh Kumar v State of Bihar* AIR 2014 SC 2756

³⁴ Agnes Sabu, “Loopholes in Section 498-IPC” (2022) ISSN 2582-7820 <<https://www.juscorpus.com/wp-content/uploads/2022/05/133.-Agnes-Sabu.pdf>> accessed 23 May 2023

³⁵ *Supra* 20

³⁶ *Ibid*

³⁷ *Preeti Gupta v State of Jharkhand and Anr* (2010) 7 SCC 667

³⁸ *Supra* 34

³⁹ *Ibid*

⁴⁰ *Rajesh Sharma v State of UP* AIR 2017 SC 3869

But in the case of *Social Action Forum for Manavadhikar v Union of India*⁴¹, the Supreme Court set aside the directive with respect to Family Welfare Committee given in the previous case. It held that FWC is an extra-judicial committee of paralegal volunteers. The constitution and function of FWC is contrary to the provisions of Criminal Procedure Code, 1973.

AFTERMATH OF SECTION 498-A IN INDIAN SOCIETY

Section 498A of the Indian Penal Code was introduced in 1983 to shield married women from abuse by their husbands and families. The law's original intent was to safeguard women from mistreatment by their husbands. However, it soon changed. Instead of using it as a shield as originally intended, it became a sword with time. Married women began making false accusations against their husbands or/and their family members and started harassing them. The legislation gained notoriety and was widely used against them. Soon after it was established, Section 498A developed into the most controversial Indian law.

The law is being utilised in such a way that it is against the legislative intent with which it was first implemented. There is no doubt that the law is beneficial for women who are victims of cruelty by their husbands or their relatives, but it also cannot be denied that this is also trapping innocent husbands. The report released by National Crime Records Bureau (NCRB) 2020 revealed that out of total of 1,11,549 cases filed under section 498A IPC, 5520 of them were found as false.⁴² Around 16,151 cases were categorised as closed due to lack of evidence, mistake of law or fact or because of a civil dispute or due to false claims. The total of 6,51,404 cases were pending in 2020, thus taking the pending percentage to 96.2%.⁴³

Section 498A has helped to empower women by speaking up for their rights and against the mistreatment they have endured. Dowry death was an extreme form of cruelty against married women, and this law helped to lower the cases of dowry death significantly. Section 304B was already present for matters related to dowry death, but it only applies after the victim's death. But this is not the case when applying Section 498A. Section 498A can be used in any case of cruelty inflicted upon the woman by her husband or his relatives. It means that if a woman is

⁴¹*Social Action Forum for Manavadhikar v Union of India* AIR 2018 SC 4273

⁴²Deepika Narayan Bhardwaj, 'NCRB Report 2020|Crimes Against Women|Cases Registered V/s False; Conviction V/s Acquittal ' <<https://voiceformenindia.com/ncrb-report-2020-crimes-against-women-cases-registered-v-s-false-conviction-vs-acquittal/>>

⁴³ Ibid

being mistreated for not bringing dowry, she can file a complaint; the complaint need not wait till the death of the victim.

But the scene has changed drastically now. Many women are playing fake victim cards by filing counterfeit cases against their spouses. The Supreme Court, in one of its rulings, said that –“*But by misuse of the provision (IPC, 1860 498A - Dowry and Cruelty Law), a new legal terrorism can be unleashed. The provision is intended to be used as a shield and not an assassin's weapon*”.⁴⁴ In the Malimath Committee report on reforms in the criminal justice system, 2003, it has been depicted that there exists a "general complaint" of Sec 498A of the IPC to be subject to gross misuse; therefore, the same report recommended an amendment to Section.⁴⁵

Pro-women laws will always be welcomed in India. But the main issue arises when pro-women laws are often used as anti-men laws.⁴⁶

Many High Courts have reported various instances of accusations being filed against the husband and his relatives to the point that the alleged crimes do not fit within the ambit of anticipatory bail to be granted under section 438 of CRPC, 1973. In these delicate circumstances, judges frequently refuse to grant anticipatory bail because of the seriousness of the charges or the potential for public backlash. Due to the discretionary nature of anticipatory bail, the unfortunate accused are forced to suffer the psychological pain of incarceration as well as the rejection of society by languishing in jails on the basis of mere accusations. The Supreme Court, as well as High Courts throughout the nation, have noted the urgent need to use prudence in situations of arrest of Husbands or his relatives under Section 498A.

It is the need of the hour to put into practice the several Supreme Court decisions, such as *Arnesh Kumar v. State of Bihar and Anr*⁴⁷, that have outlined a number of rules to be followed in instances under Section 498A. The guidelines formulated by the Apex Court in the aforementioned case where it was held that it should be applied not just in cases brought under Section 498A but also in situations of arrests made in violation of any criminal statute carrying a sentence of up to seven years in jail are mentioned below. In addition to being carefully

⁴⁴ Sushil Kumar Sharma v. UOI, 2005 (6) SCC 266

⁴⁵ Vasundhara, 'Use And Misuse of Section 498A' <<http://www.legalserviceindia.com/legal/article-652-use-and-misuse-of-section-498a.html>> accessed on 30 May 2023

⁴⁶ Ratika Rana, 'India's Notorious Section 498A Has More Bads Than Goods, Here's Why' <<https://thelogicalindian.com/gender/section-498a-women-34847>> accessed on 29 May 2023

⁴⁷ *Arnesh Kumar v State of Bihar* (2014) 8 SCC 273

adhered to, the Supreme Court has ruled that the police personnel and judicial magistrates should be held accountable for breaking rules. Some of the guidelines are as follows:

1. State governments are required to provide police personnel instructions not to routinely make arrests under Section 498A unless the requirements of Section 41 of the Criminal Procedure Code (arrest without a warrant) are met;
2. Before ordering detention, magistrates are required to read the report that has been provided and express their satisfaction;
3. All police officers must be given a checklist containing the requirements of Section 41 of the Criminal Procedure Code which are to be strictly followed
4. The filling up of the checklist is a must at each such arrest, outlining the grounds and supporting documentation, and it must be delivered to the appropriate Magistrate.
5. The decision for non-arrest of accused along with reasons for the non-arrest, should be sent to the magistrate in writing within two weeks of institution of a case;
6. Appearance notice in pursuant to Section 41A of CrPC should be given to the accused in writing within two weeks from institution of the case
7. On failure to obey such guidelines, the police officers might face departmental inquiry and might be punished for contempt of court by the high court.

Despite the fact that Section 498A may have been enacted with extremely lofty objectives, its application in the present world has utterly failed to achieve its goal. The Supreme Court's decision in *Preeti Gupta and Others v. State of Jharkhand and Others*⁴⁸, precisely captures the demands of the moment. It was held that “it is the social duty and obligation of the learned members of the bar to prevent the social fabric of family life from being destroyed or demolished”. They must also take care to prevent inflated accounts of minor occurrences from appearing in criminal complaints. Further, it was observed that the legislature must make the required amendments to the applicable legal requirements while taking the educated public opinion and practical realities into account. The *Preeti Gupta* judgement was instructed to be

⁴⁸*Preeti Gupta and Others v. State of Jharkhand* (2010) 7 SCC 667

forwarded to the Law Commission for necessary action in the interest of society as a whole. The judgement serves as a crucial reminder of our role and duty as responsible society member to guard against serious injustice that threatens to tear apart the very foundation of our society while we wait for such improvements.

CONCLUSION

It is impossible to argue about the Section's usefulness in real-world situations, but it is also true that Section 498-A has been abused. The citizens are undoubtedly misusing the Section under scrutiny. Section 498-A was inserted for a good reason, and society has gravely disregarded this. Sometimes the complainant fabricates situations and exaggerates the incident to include additional family members in the complaint and cause annoyance and harassment.

Mere demand for dowry does not amount to cruelty. Demand for dowry coupled up with the elements of Section 498A amounts to cruelty and if death of the woman happens, then it comes under Section 304B of Indian Penal Code, 1860. If there is no intention to injure the bride, then no matter how hurtful something is to her feelings, the same won't amount to cruelty.

Section 498A is a boon as well as a bane. It is essentially used to safeguard women from cruelty of their husband or his relatives but some women are using it for their own selfish motives.

The law needs to be implemented to protect the victims of abuse in marriage and not merely used as a tool for harassment. The accurate and actual cases must be separated from the false ones, and the police must investigate matters appropriately and thoroughly. Another critical point is to ensure a speedy trial of 498-A cases, as this will deliver justice for the innocents incriminated in false charges and prompt redressal of the grievances of real dowry victims. Reducing fraudulent claims will also reduce the burden on the judiciary and expedite the processing of real cases.