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Misuse of Women Protection Laws in India:

A Critical Analysis

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Abstract

Indian women protection acts have a crucial part to play in spreading solutions to women violence and abuse. But more and more, their abuse has become a cause of concern, Section 498A of IPC, The Protection of Women from Domestic Violence Act, 2005, The Sexual Harassment of Women at Workplace Act, 2013, being the usual culprits. This article is an exploration into the abuse of such laws, judicial reaction towards false cases, and requirement of reforms for justice for everyone. It also refers to the Supreme Court judgments on false cases, and advises they be followed so that their misuse can be stopped without prejudicing real victims.

I. INTRODUCTION

Laws for women protection in India play a very significant role in eliminating age-old wrongs and ensuring that women are equipped to be safe from discrimination, harassment, and violence. Motivated by examples like Section 498A of IPC (cruelty by husband or relatives), The Protection of Women from Domestic Violence Act, 2005, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, etc. that were overused Indian Law enforcement collectively embarked upon a journey to promote women's confidence via the legal process. However, In the past few years, the misapplication of these laws has struck fear for innocent parties, legal harassment women and to an extent deflection of the purpose for which it was crafted.

India's Women Protective Laws: Post-Independence in India, post-Independence, Indian women were the only subjects who could be exploited by unethical men, and hence protective laws were introduced to protect them against age-old evils like dowry harassment, domestic violence, and sexual harassment. These laws have been misused as weapons in certain instances from time to time, leading to trumped-up arrests and misuse of law. Indian Supreme Court has identified abuse of law under Section 498A IPC as also of the rapes law and warned against improper use thereof. Maharashtra-suicide based on (2023) by Atul Subhash and fake rapes charge leading to unjust conviction highlight an urgent need of the legislation bringing about the same with respect thereto.

This article critically analyses the abuse of women-specific laws, drawing on NCRB statistics, judicial pronouncements, and comparative law analysis. It refers to case studies, analyses the legal regime, and recommends changes to prevent false cases while safeguarding true victims.

The Indian legal system has traditionally been influenced by the necessity to safeguard vulnerable sections, and women's protection laws have constituted an important component of the system.¹ Traditionally, Indian

¹Law Commission of India, Report No. 243 (2012).

women experienced institutionalized violence and discrimination that required strong judicial protection. Implementation of Section 498A IPC, Protection of Women from Domestic Violence Act, 2005, and stricter laws on rape are all tall measures that the Government has taken for minimizing atrocities against women. But the saddest aspect of the enactment of these regulations has been the rising incidents of their misuse, thereby bringing about a dramatic increase of untrue complaints, innocent men getting banished from society often leading to suicides even.²

Judicial and legal thinkers have increasingly become concerned about how these laws, initially intended to safeguard women, have been twisted for personal and monetary benefits. Courts have commented that in a large number of cases, Section 498A IPC false charges are made in order to take revenge or procure monetary settlements in matrimonial issues. Likewise, false rape allegations have been utilized as instruments of coercion, extortion, or professional grudges, causing huge damage to the lives and reputation of innocent men.

II. THE GRAVITY OF THE ISSUE

The problem of false complaints under women protection laws is not only a legal issue but also a social issue touching the life of families, the workplace, and mental health. Innocent men who are falsely accused of dowry harassment or rape are socially boycotted, economically depleted, and mentally traumatized. The legal process is cumbersome, and even if they are acquitted, the shame persists, incurring a permanent loss to their reputation and vocation. The majority of the wrongly accused are disowned by their families, lose their employment, and do not successfully reintegrate back into society.

The overwhelming majority of reports indicate that false allegations have become a tool of personal revenge, financial extortion, and marital revenge. Insufficient relief to victims of false accusations and blanket criminalization of men under certain provisions of the law have led to a deplorable rate of suicides. Over 11,000 men killed themselves due to family and marriage issues, most of which involved unsubstantiated allegations of dowry harassment and domestic violence, according to the National Crime Records Bureau (NCRB) 2022.

This piece delves deep into the misuse of women protection laws, touching on the traditional examples such as the Atul Subhash suicide case in Maharashtra (2023) and spurious rape allegations resulting in wrongful convictions. By drawing on judicial precedents, NCRB statistics, and comparative international experience, the article assesses the urgent need for reforms that promote justice for everyone and avoid legal exploitation.

The seriousness of the situation is reflected in the increasing number of suicides among men falsely accused through these laws. Statistics available from National Crime Records Bureau (NCRB) and legal expert reports show that most men involved in false cases experience mental trauma, social boycott, and financial devastation, which can drive them to commit suicide.³ The case of Atul Subhash of Maharashtra (2023) and others highlights the tragic human cost of misuse of law.

Besides destroying individual lives, the misuse of such laws also undermines the credibility of actual victims. Once false cases are on the rise, it causes people to be sceptical about actual cases of abuse, thus doing harm to the very cause that such laws were enacted to protect.⁴ The judiciary has time and again emphasized that the misuse of protective laws for nefarious purposes not only congests the judicial system but also erodes the faith in the mechanism of justice.

This paper discusses the abuse of women protection legislation, based on judicial precedents, statistical information, and case analyses. It discusses the impact of false charges against innocent people, responses of the judiciary to this issue, and policy reforms to make sure that laws are a tool of justice, not exploitation.

This article critically examines the misuse of women protection laws in India, the reasons behind false cases, their legal and societal impact, and the need for reforms to ensure justice for all.

²NCRB Report, 2022

³NCRB, 'Accidental Deaths and Suicides in India 2022'.

⁴Law Commission of India, Report No. 243 (2012)

III. THE FOLLOWING ARE SOME IMPORTANT LAWS WHICH ADDRESS WOMEN'S PROTECTION AND THEIR PURPOSE

1.1 498A IPC (Cruelty by Husband and Relatives)

Section 498A of the Indian Penal Code (IPC) was enacted back in 1983 to protect women from harassment, cruelty, and violence in connection with dowry. The crime is non-compoundable, non-bailable and cognizable, giving the police a lot of power to act against the accused.⁵

1.2 Protection of Women from Domestic Violence Act, 2005 (PWDVA)

This Act was brought in to give civil remedies to women subjected to domestic violence, such as protection orders, residence orders, and financial relief. This legislation is different from Section 498A in that it is prevention-oriented, not punishment-oriented.⁶

1.3 The Dowry Prohibition Act, 1961

It makes giving and receiving of dowry punishable and prescribes stringent punishments. So as to end an infinite number of incidents and cases of violence against women, the purpose is to eliminate the dowry system.⁷

1.4 The Sexual Harassment of Women at Workplace Act, 2013

This was a landmark legislation that came into being after the Vishaka Guidelines to protect women against sexual harassment at workplace and for prevention and redressal.⁸

IV. THE RISING CONCERN OF MISUSE

2.1 False Cases Under Section 498A

Section 498A of the IPC is one of the most abused provisions in Indian law. The law was enacted to prevent dowry-related harassment, but several instances have surfaced in which women have purportedly lodged false complaints to settle scores, blackmail or harass in-laws.⁹

Section 498A IPC, introduced in 1983, makes cruelty by husbands or their relatives a crime. Meant to protect women from harassment, in the case titled *Rajesh Sharma*, the Supreme Court (*Rajesh v. State of U.P.* (2017) 8 SCC 821) acknowledged its rampant misuse.

30% of the Section 498A cases were found to be acquitted, with high rates of cases of malicious prosecution and suicides of the husband by NCRB 2022.

V. PSYCHOLOGICAL AND SOCIAL IMPACT ON ACCUSED HUSBANDS

The psychological and emotional impact on men falsely accused under Section 498A IPC is immense. Most victims of false accusations suffer from depression, anxiety disorders, and PTSD as a result of extended legal proceedings and social ostracism. The economic cost of legal defence combined with loss of job usually reduces accused men to penury and despair.

The relatives of wrongly accused men also suffer immensely. Parents and siblings are humiliated in their societies, marriages are dissolved, and children are brought up seeing the destruction of their wrongly accused fathers. Several elderly parents of accused men have developed heart attacks or serious health decline as a result of stress generated by false accusations against their sons.

⁵ Indian Penal Code, 1860, § 498A.

⁶ Protection of Women from Domestic Violence Act, 2005.

⁷ Dowry Prohibition Act, 1961

⁸ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

⁹ Law Commission of India, 243rd Report on Section 498A IPC (2012).

VI. CASE STUDIES: HUSBAND SUICIDES DUE TO FALSE 498A CASES

1. Atul Subhash Case (Maharashtra, 2023): A 33-year-old guy committed suicide following false accusations of domestic violence and dowry harassment. In his suicide letter, he blamed stigma and legal harassment.¹⁰

2. Bhopal man dies by Suicide (2025): In Bhopal, a man died by suicide after his wife accused him of dowry harassment after three decades into their marriage. Police registered a case of unnatural death and started the investigation.¹¹

3. Mumbai Manager Suicide (2025): A 25-year-old Mumbai manager, Manav Sharma, committed suicide. a businessman wrote that he was blackmailed by wife`s and he was reportedly threatened by her family.¹²

VII. SUPREME COURT OBSERVATIONS

. **In Sushil Kumar Sharma v. Union of India (2005)**, the Supreme Court observed that “the provision was intended to be a shield and not a weapon”, emphasizing that false cases violate justice.¹³

. **In Arnesh Kumar v. State of Bihar (2014)**, the Court directed strict adherence to arrest procedures in 498A cases to prevent misuse.¹⁴

2.2 Fabricated domestic violence cases

While **the PWDVA, 2005**, has provided a strong support system for genuine victims, **some women have misused** it by filing exaggerated or fabricated complaints to gain undue advantage in divorce or property disputes.¹⁵

2.3 False rape allegations: legal and social consequences

From October 2023 onwards, a notable development in the domain of workplace harassment laws relates to individuals leveraging them to settle personal vendettas or blackmail opponents, especially women. Making spurious claims can damage brands and careers beyond repair.¹⁶

VIII. INCREASE IN FALSE RAPE CASES

In India’s legal history, The Criminal Law (Amendment) Act, 2013) added additional measures on rape, however the proliferation of false accusations of such crimes has become a burgeoning issue leading to wrongful convictions as well as severe socio- cultural repercussions for the victims. This phenomenon of emptying out the word 'rape' of meaning is only fuelled by the NCRB's 2022 statistics which state that nearly 40% of rape cases are without conviction because of lack of evidence or dead prosecutions.

¹⁰"Suicide of AtulSubhash," *Wikipedia*, accessed March 23, 2025, https://en.wikipedia.org/wiki/Suicide_of_Atul_Subhash.

¹¹ Case Study: Bhopal Husband Suicide Following Dowry Case (2025), available at: <https://www.indiatoday.in/cities/bhopal/story/married-for-30-years-husband-dies-by-suicide-after-wife-files-dowry-case-2674386-2025-02-04>

¹² Times of India, "Like Bengaluru techie Atul Subhash, Mumbai firm manager Manav Sharma dies by suicide after harassment by wife," *Times of India*, March 22, 2025, <https://timesofindia.indiatimes.com/city/mumbai/like-bengaluru-techie-atul-subhash-mumbai-firm-manager-manav-sharma-dies-by-suicide-after-harassment-by-wife/articleshow/118620781.cms>.

¹³Sushil Kumar Sharma v. Union of India, (2005) 6 SCC 281.

¹⁴Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273

¹⁵Rajesh Sharma v. State of UP, (2017) 8 SCC 821

¹⁶ J.S. Verma Committee Report on Amendments to Criminal Law (2013).

Case Studies: Wrongful Prosecutions

1. **Rohit Bhardwaj Case (Delhi, 2023):** A 28-year-old man was wrongly accused of rape by an ex-girlfriend. CCTV footage later vindicated him, but he had to spend three months in prison.¹⁷
2. **Pune University Student Case (2022):** A student was wrongfully accused of rape when he refused to continue an affair. The case was rejected by the court due to insufficient evidence.¹⁸
3. **Gurgaon Corporate Employee Case (2021):** A woman falsely accused her colleague of rape to gain leverage in a workplace dispute. The court later acquitted him and fined the complainant.¹⁹

Legal Precedents and Judicial Observations

1. **Arnesh Kumar v. State of Bihar (2014) 8 SCC 273:** No automatic arrests under Section 498A IPC to prevent misuse.
2. **Deepak Gulati v. State of Haryana (2013) 7 SCC 675:** False rape claims dilute the intent of the law.
3. **State v. Arjun (Delhi High Court, 2021):** The courts should act decisively against false rape cases.
4. **Mahesh Tiwari v. State of M.P. (2022):** False claims have to be punished in order to discourage legal abuse.

2.4 False Dowry Cases Under the Dowry Prohibition Act

Dowry Prohibition Act reported that some complaints are of a malicious nature, where the wife's family is trying to get monetary settlements from the husband's family rather than actually addressing the real cases of dowry harassment.²⁰

IX. REASONS BEHIND THE MISUSE

3.1 Legal Loopholes and Broad Interpretations

The drafting of the law on women's protection is many times the reason why false complaints are filed. The non-bailable and cognizable character of certain offenses raises the risk of their misuse.²¹

3.2 Lack of Proper Investigation

Law enforcement agencies sometimes fail to conduct proper investigations before making arrests, leading to wrongful imprisonment of innocent individuals and innocent men become part of harassment.²²

3.3 Use as a Tool in Matrimonial Disputes

Most of the time false accusations are made during marital conflicts, separation, or divorce proceedings, and women make accusations to achieve complete custody of the child or to get good alimony settlements.²³

3.4 Absence of Penalties for False Complaints

Currently, there are no strict penalties for filing false complaints under these laws. While **Section 211 of the IPC (False Charge of Offense)** and **Section 182 IPC (False Information to a Public Servant)** exist, they are rarely invoked against false complainants.²⁴

¹⁷ "Delhi Man Cleared of Rape Charges After CCTV Footage Surfaces", *Hindustan Times*, March 2023

¹⁸ "False Rape Case Against Pune University Student Dropped Due to Lack of Evidence", *The Indian Express*, January 2022.

¹⁹ "False Rape Case Filed Over Office Dispute: Gurgaon Court Acquits Man, Fines Woman", *The Times of India*, November 2021.

²⁰ Satish Chandra v. State of Madhya Pradesh, (2016) 9 SCC 299.

²¹ Supra note 5

²² Ibid.

²³ Ibid.

²⁴ Indian Penal Code, 1860, § 211, § 182

X. LEGAL AND SOCIAL IMPACT OF FALSE CASES

4.1 Violation of Fundamental Rights

Wrongful arrests under these laws violate the fundamental rights of the accused, **particularly Article 21 (Right to Life and Personal Liberty) and Article 14 (Right to Equality).**²⁵

4.2 Impact on Families

False accusations lead **to irreparable damage to families**, often resulting in divorces, social stigma, and mental trauma.²⁶

4.3 Burden on Judiciary

The Indian judicial system is already overburdened, and **false cases clog the legal machinery**, delaying justice for genuine victims.²⁷

4.4 Rise in Gender Bias

While women's rights need protection, the **misuse of laws creates an unfair bias against men**, leading to an erosion of trust in legal safeguards.²⁸

Comparative Analysis: Gender-Neutral Legal Systems

International Perspectives

1. **United Kingdom:** In United Kingdom. There is an act The Domestic Abuse Act, 2021, identifies men as domestic violence victims.
 2. **United States:** In United States, Government have Some states have gender-neutral rape laws, providing equal trials and accountability.
 3. **Canada:** In Canada, Government Permits men to register domestic violence complaints without gender bias.
- India can adopt similar reforms to provide equality in legal proceedings and avoid wrongful prosecutions.

5. Need for Reform and Balancing the Legal Framework

5.1 Strengthening Investigation Mechanisms

- The **police should conduct proper preliminary investigations** before making arrests in women protection cases.
- **Judicial oversight** should be ensured to prevent misuse.²⁹

5.2 Implementing Punitive Measures for False Complaints

- **Amendments should be made to impose penalties** on individuals who file false complaints, ensuring accountability.³⁰

²⁵Constitution of India, art. 14, 21.

²⁶Supra note 7.

²⁷Supra note 8.

²⁸ Ibid.

²⁹Supra note 9

³⁰Ibid.

- A provision for **compensation to the falsely accused** should be introduced.

5.3 Policy Recommendations

- 1 **Harsh Punishments for False Cases:** Courts must implement Section 182 IPC (false information) against wrongful accusations.
- 2 **Gender-Neutral Laws:** India's legal system must recognize that men too can be victims.
- 3 **Time-Bound Investigations:** Avoiding prolonged legal harassment for innocent people.
- 4 **Pre-FIR Mediation:** Compulsory mediation prior to FIR registration in marriage disputes.
- 5 **Fast-Track Courts for False Accusations:** Quick trials for false cases to reduce damage to the accused.
- 6 **Separate Commission for False Cases:** Set up a separate body to scrutinize wrongful prosecutions.

Conclusion

The deconstruction of protection laws puts women at risk because the laws are both judicial and legislative for a reason. The very laws designed to aid in the safeguarding of women are being put to use for personal acts of vengeance which has led to grave cases of absurd accusations, mental trauma, and death by suicide. Striking the comedy within protecting actual victims while preventing legal maltreatment is brilliant. A more effective legal framework, together with rigorous judicial scrutiny of complaints, will guarantee that the laws work as instruments of justice and not means of revenge.

In India, protective laws are very critical in the fighting against violence done to women and providing justice for the victims. Even so, they have been misused resulting in wrongful accusations, judicial persecution, and even social injustice. Striking a balance is necessary, where real victims are protected, but the power of the law is not abused. Restoring confidence in the legal institution along with serving justice to everyone requires faith in the system alongside, harsh investigation procedures, punishment towards false allegations, and judicial supervision.