



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2024

Editor-in-Chief – Prof. (Dr.) Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

MISUSE OF SECTION 498 A DOWRY LAWS AND DOWRY DEATHS.

Introduction-

The customary practice of DOWRY causing cruelty on women which was practiced in ancient India has been eradicated for ensuring social and economic justice. And to safeguard the rights and dignity of women. The section 498 A of Indian penal code states that any cruelty done by husband or his relatives for the demand of DOWRY or property from women or any other valuable. Shall be punished. It includes harassment on women both mental and physical or emotional harm. This has to be filed within 7 years of marriage. This section guarantees right right of a married women to live with dignity at matrimonial homes. Because of cruelty and pressure on women it results in suicides of women and even murder of women by husband and in- laws or relatives . Just for Dowry and property demand if not fulfilled.

MAIN POINTS-

- This section of IPC have been misused by many women which is given to safeguard a women from cruelty on demand of DOWRY and property to be brought from his relatives.
- Women misuses it in defaming in laws in society .EX-if women is asked to do household work or the work she is not interested to do.
- She does misuse in gurge or anger on in laws.
- Used as to manipulate divorce or alimony proceedings.
- It is missed to harass in laws which may include the whole family who may even not have any fault. And which ma y lead to punishment to them.

- There are some cases wherein woman or There relatives have misused section 498 A of IPC:
- In case of -Manjnu Kavita v.state of Assam- The wife alleged mental and physical cruelty of the husband.
Court held that cruelty should be serious which should lead to commit suicide by women. Small qurrarrels doesn't termed as cruelty. And husband was not held liable.
- In case of Bibi parwana khatoon v state of bihar 2017 6 scc 792-

Wife was killed by setting up on fire by her husband and relatives. Sister in law and brother in law challenged conviction.

But it was held that they did not even reside at that place of incident. And court gave them acquitted and guarded false implications against relatives. For misleading and wasting time of court.

- Arnesh Kumar v. State of Bihar 2014- There was no evidence and was the misuse of section 498 A. So to stop misuse directed investigation to be done properly before making arrest and stop husband and their relatives from harassment. In this the bed ridden grandfather and grand mother were arrested who were living abroad.
- Gv siddaramesh v state of Karnataka- In this case court held that the complainant filed case because of anger on in laws and evidences didn't supported the facts on which the case was filed.
- In case of Gaeta mehrotra and Anr v.state of up and anr 2012- The court quashed the FIR filed because it was filed because of inconsistencies in married relationships. It did not amount to cruelty on demand of DOWRY from woman.

MISUSE OF SEC-498A CAN BE PREVENTED BY FOLLOWING WAYS:

1. Proper investigation- If investigation officer does proper investigation of physical or mental cruelty on woman on basis of facts stated by woman. By the evidences or by witnesses or by neighbours after which to do the arrest of accused that is husband and it's relatives. So that if the complaint is false then in- laws won't be defamed.
2. Proper Awareness and Education- If there is awareness among the people about ADR that is alternate dispute resolution they can solve there problems without going to court and by not misusing 498A.
3. By putting fines and penalty- If there is false complaint filed then there should be fines and penalty imposed on complainant to prevent from misusing the sec 498A.

CONCLUSION-

I conclude that there are some victims which in reality faces the cruelty at in-laws and this section 498A OF IPC protects those people by saving them and punishing those husband's and relatives who are cruel to their wife to bring Dowry and valuables or property from there homes amounting to domestic violence at women. They get justice If evidences are TRUE and in favour of victim and the investigation report of the officer too then the accessed will be punished of imprisonment up to 3 years and fine it is non bailable and cognizable offence.

But in the cases where section 498A is misused by women for harassing their husband and in-laws shall be stopped by bringing awareness by ADR and by putting fines on them so that no ones reputation shall be defamed.as this section is to protect women to be used as a shield by women , not to use as a weapon against husband and in-laws. It is a protecting

device not a harming device to others without their fault. It is harassing the bed ridden grand parents and relatives because of women's misuse of 498A.

So, The laws which is protecting women ,should not be against man laws. Women now a days is misusing the sec 498A which they shouldn't do. As relative of women are filing false cases on husband of DOWRY death which is not proved by evidences . So it should not be misused by women or by there relatives.

REFERENCE:

BOOKS AND WEBSITES REFERRED:

1. INDIAN PENAL CODE 1860 Bare act

Websites:

1. www.scconline.com
2. www.legalserviceindia.com

CASES REFERRED:

- Manju Kavita v state of assam
- Bihi parwana khatoon v.state of Bihar.
- Arnesh Kumar v. State of Bihar.
- Gv siddaramesh v. State of karnataka.
- Geeta mehrotra and anr v. State of up and anr

