

CRUELTY BY WIFE: A LEGAL PERSPECTIVE IN INDIA

Adarsh Pattanaik*

ABSTRACT

*Cruelty in matrimonial relationships is not limited to one gender, with an increasing number of cases highlighting the abuse faced by men at the hands of their wives. This article delves into the legal framework addressing cruelty by wives in India, focusing on the provisions of the Hindu Marriage Act 1955, Sections 85 and 86 of Bharatiya Nyaya Sanhita (Section 498A, IPC), and relevant judicial pronouncements. It explores various forms of cruelty, including mental abuse, false allegations, and physical violence, alongside legal remedies available to affected men. Notable case laws such as *K. Srinivas Rao v. D.A. Deepa* and *Narendra v. K. Meena* are discussed to illustrate judicial interpretations. The issue of misuse of Sections 85 and 86 of Bharatiya Nyaya Sanhita and the judiciary's efforts towards gender neutrality in matrimonial disputes are also examined. Finally, the article underscores the need for societal change and awareness to ensure equitable treatment for victims of domestic cruelty.*

INTRODUCTION

Cruelty in matrimonial laws in India refers to the acts that cause mental or physical suffering to a spouse. The term is broadly interpreted to include both physical violence and psychological torment.

Cruelty in marital relationships is a multifaceted issue that encompasses physical, emotional, and psychological harm inflicted by one spouse upon the other. While much of the legal discourse in India has historically focused on protecting women from cruelty, the concept of cruelty by a wife against her husband is equally significant but less addressed in public and legal forums. The idea of male victims of domestic abuse is often overlooked due to societal norms, cultural biases, and a lack of legal provisions specifically addressing the issue.

The **Protection of Women from Domestic Violence Act, 2005 (PWDVA)** primarily addresses violence against women but does not recognize male victims of domestic violence. Sections 85 and 86 of the Bharatiya Nyaya Sanhita address cruelty by the husband or his

*BA LLB, SECOND YEAR, SRM SCHOOL OF LAW, SRMIST, KATTANKULATHUR, CHENNAI.

relatives toward the wife. However, there is no equivalent provision in the Bharatiya Nyaya Sanhita for cruelty perpetrated by a wife against her husband.

Cruelty as a ground for divorce is a well-recognized principle in marriage law. It encompasses both mental and physical abuse. **The Hindu Marriage Act** doesn't explicitly define the term "cruelty", but Section 13(1)(i-a) of the **Hindu Marriage Act**¹ allows for divorce on the grounds of cruelty.

Cruelty by a wife can manifest in various ways, including but not limited to Mental Cruelty, False Allegations, Physical Abuse, and Abandonment. Continuous verbal abuse, false allegations of asking dowry, false allegations of extramarital affairs and persistent humiliation, filing of false criminal cases or complaints against husband and his family under Sections 85 and 86 of the **Bharatiya Nyaya Sanhita**, unreasonable desertion without valid cause constitute to cruelty.

The Supreme Court of India in **N.G Dastane v S. Dastane** held that cruelty includes conduct that causes a reasonable understanding of harm or injury to the petitioner's life, limb or health. Although the case primarily involved allegations against a husband, the principles enunciated are gender-neutral.

LEGAL PROVISIONS

While Indian law does not explicitly address cruelty by wife against husband, several provisions can be invoked depending on the nature of conduct like **The Hindu Marriage Act** recognizes cruelty as a ground for divorce. A husband can file for divorce if his wife subjects him to behaviour that causes mental or physical suffering. The **Indian Divorce Act, 1869** which is applicable to Christians also allows divorce on the grounds of cruelty. The **Special Marriage Act 1954** includes cruelty as a reason for seeking divorce in interfaith or secular marriages.

¹ s. 13(1)(i-a) of the Hindu Marriage Act of 1955 allows either party to a marriage to file for divorce if there has been no resumption of cohabitation for at least one year after a decree for judicial separation.

LEGAL REMEDIES FOR MEN

While Indian laws have traditionally focused on protecting women, there are remedies for men who face cruelty in their marriages. A husband can file for divorce under **the Hindu Marriage Act, the Indian Divorce Act** or other personal laws citing cruelty as the reason.

If a wife spreads false allegations that harm her husband's reputation, he can seek remedy under defamation laws like Section 356 of **Bharatiya Nyaya Sanhita**². Men can file cases under Section 61 of **the Bharatiya Nyaya Sanhita**³ or Section 351 of the **Bharatiya Nyaya Sanhita**.⁴

Men often face the misuse of Sections 85 and 86 of **the Bharatiya Nyaya Sanhita** by their wives. In situations like False cases filed under Sections 85 and 86 of the **Bharatiya Nyaya Sanhita**, they can file a counter-complaint proving the false nature of allegations or seek quashing of the FIR through High Court or Apply for compensation for mental agony and defamation if proven innocent.

Most legal protections focus on safeguarding women leaving men with limited avenues to redress. Male victims are often unaware of their rights or the legal remedies available or often hesitate to report due to societal perceptions of masculinity.

CASE LAWS

1. V. Bhagat v. D. Bhagat⁵:

In this case, the court observed that Mental Cruelty in Section 13(1) (i-a) of the **Hindu Marriage Act**⁶, can broadly be defined as that conduct which inflicts upon the other party such mental pain and suffering as would make it not possible for that party to live with the other. The marriage has been broken down and there is no chance for the petitioner and the respondent to come back to the matrimonial house and live

² s. 356 of the Bharatiya Nyaya Sanhita defines defamation as the act of publishing or making any statement with the intent to harm a person's reputation.

³ s. 61 of the Bharatiya Nyaya Sanhita defines criminal conspiracy as an agreement between two or more people to commit an illegal act or a lawful act by unlawful means:

- The agreement must go beyond just agreeing.
- The illegal act can be the main goal or a side effect.
- An overt act beyond the agreement must occur

⁴ s. 351 of the Bharatiya Nyaya Sanhita defines criminal intimidation as when someone threatens another person with injury of any kind or to someone they care about

⁵ *V. Bhagat v. D. Bhagat* (1994) 1 SCC 337.

⁶ *Ibid* 1

together. The petition for divorce is allowed. The marriage between the parties is dissolved. The allegations made by the petitioner against the wife are held 'not proved'. The honour and character of the respondent's wife stand vindicated.

2. *Narendra v. K. Meena*⁷:

The court held that the unsubstantiated allegations levelled by Respondent Wife and the threat and attempt to commit suicide by her amounted to mental cruelty. It is believed that there was no need to take a different view than the one taken by the trial Court. The behaviour of the Respondent's wife appears to be terrifying and horrible. One would find it difficult to live with such a person with tranquillity and peace of mind. Such torture would adversely affect the life of the husband. The decree of divorce dated 17th November 2001 passed by the Principal Judge, Family Court, Bangalore is restored. In this case, False accusations and public humiliation by the wife were deemed sufficient grounds for divorce.

3. *K. Srinivas Rao v. D.A. Deepa*⁸:

The Court ruled that malicious and false criminal complaints against a spouse amount to mental cruelty. The High Court had previously set aside the divorce decree granted to Rao, favouring Deepa's petition for restitution of conjugal rights. However, upon appeal, the Supreme Court found merit in Rao's claims of mental cruelty instigated by Deepa through false and defamatory complaints, including allegations under Section 498-A of **the Indian Penal Code (IPC)**⁹. The Supreme Court emphasized that mental cruelty does not necessitate cohabitation; conduct leading to psychological harm suffices. The prolonged separation of over ten years further solidified the irretrievable breakdown of the marriage. Consequently, the Court granted the divorce and directed the appellant to pay permanent alimony to the respondent.

4. *Smt. Mayadevi v. Jagdish Prasad*¹⁰:

The Court held that "Even though the incidents narrated by the appellant do not implicate the respondent if viewed in isolation, but altogether demonstrate her non-adjusting attitude, due to which appellant had to suffer public humiliation and thereby,

⁷ *Narendra v K. Meena* (2016) 9 SCC 455

⁸ *K. Srinivas Rao v. D.A. Deepa* (2013) 5 SCC 226

⁹ s. 498A of IPC deals with the criminal offense of cruelty against a married woman by her husband or her relatives. The provision for this is now covered in s. 85 & 86 of Bharatiya Nyaya Sanhita, 2023.

¹⁰ *Smt. Mayadevi v. Jagdish Prasad* (2007) 3 SCC 136

suffered mental cruelty”. Despite pending criminal appeal, courts found her guilty of mental and physical cruelty, granting the husband a divorce decree.

JUDICIARY’S GENDER-NEUTRAL APPROACH

Indian Courts are increasingly advocating for gender neutrality in matrimonial disputes. Courts have acknowledged the misuse of laws such as Section 498A IPC and emphasized the need to balance protections for women with safeguards against false allegations. In *Arnesh Kumar v. State of Bihar*¹¹, the Supreme Court laid down guidelines to prevent the arbitrary arrest of husbands in cases of alleged cruelty, thus protecting their rights while ensuring that genuine complaints are addressed. Similarly, in *Rajesh Sharma v. State of Uttar Pradesh*¹², the Court advocated for family welfare committees to review complaints before criminal proceedings, reinforcing the importance of fairness and reducing frivolous litigation. In *Hitesh Bhatnagar v. Deepa Bhatnagar*¹³, the judiciary highlighted that both parties in a matrimonial dispute must be equally scrutinized to ensure no bias in favor of either gender. The Delhi High Court, in *Chanderkala Trivedi v. Dr. S.P. Trivedi*¹⁴, underlined that cruelty need not always manifest as physical violence but includes psychological stress caused by a pattern of behavior, irrespective of the gender of the victim.

Such cases demonstrate the judiciary’s evolving perspective towards fairness and equality in marital laws. By addressing misuse, these rulings aim to reinforce public confidence in the legal system.

CHALLENGES FACED BY MALE VICTIMS

Challenges faced by male victims in addressing cruelty by wives stem from deep-rooted societal biases, procedural inefficiencies, and legislative gaps. Many male victims face stigma and disbelief when reporting abuse, further compounded by the lack of dedicated support systems and awareness campaigns. Additionally, existing laws, while robust in intent, often lack the clarity or mechanisms necessary to address misuse or ensure equitable treatment. Recognizing these challenges is the first step toward creating a balanced framework that safeguards all victims.

¹¹ *Arnesh Kumar v. State of Bihar* (2014) 8 SCC 273

¹² *Rajesh Sharma v. State of Uttar Pradesh* (2017) 10 SCC 472

¹³ *Hitesh Bhatnagar v. Deepa Bhatnagar* (2011) 5 SCC 234

¹⁴ *Chanderkala Trivedi v. Dr. S.P. Trivedi* (1993) AIR 1993 SC 1742

Societal stigma often prevents men from reporting cruelty. Awareness campaigns tailored to encourage men to come forward without fear of ridicule or disbelief are vital. The establishment of helplines, counselling centers, and legal aid services specifically for male victims can provide them with psychological and legal assistance. Media plays a crucial role in shaping public opinion. Responsible reporting can help highlight the plight of male victims and promote a balanced understanding of domestic cruelty

Comprehensive reforms in matrimonial laws are necessary. Enacting clear guidelines for investigating allegations and penalizing false complaints can discourage misuse. Special provisions to protect the privacy and dignity of male victims during legal proceedings are essential.

Law enforcement officials and the judiciary need regular sensitization to handle complaints of cruelty by wives without prejudice. Gender-neutral training modules can improve the handling of such cases.

CONCLUSION

Cruelty by a wife in matrimonial relationships represents a complex issue that requires a multifaceted approach for effective resolution. The recognition of this form of abuse is a testament to the evolving understanding of domestic dynamics and the need for equitable legal safeguards. While Indian laws provide robust mechanisms to address cruelty, their application must be balanced, addressing misuse without undermining genuine grievances.

Judicial interpretations, as evidenced in landmark cases, have played a pivotal role in shaping a more inclusive approach to matrimonial disputes. Courts have emphasized that the principles of fairness and justice must transcend gender, ensuring protection for all victims of cruelty. However, systemic challenges, including societal stigma, lack of support systems, and procedural hurdles, continue to hinder the effective implementation of these provisions.

Moving forward, a comprehensive strategy encompassing legal reforms, public awareness, and institutional support is essential. Promoting gender-neutral training for authorities, establishing dedicated support mechanisms for male victims, and encouraging balanced media narratives can collectively foster a more equitable matrimonial framework. As societal attitudes evolve, the legal system must continue to adapt, striving.