



SEC 498A OF IPC, WHETHER AS A SHIELD OR AS A SWORD

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ABSTRACT

This article critically examines the evolving jurisprudence surrounding Section 498A of the Indian Penal Code (IPC), a law designed to protect married women from cruelty. While enacted with the noble objective of curbing dowry-related violence, the provision has long faced criticism for its alleged misuse, often leading to the indiscriminate arrest and harassment of husbands and their families. This article provides a comprehensive analysis of the recent landmark judgments by the Supreme Court of India that are systematically redefining the application of Section 498A of the Indian Penal Code. The court's approach, marked by a commitment to balancing the protective intent of the law with procedural safeguards against its misuse, is explored through key rulings that mandate specific allegations, introduce a "cooling-off period" for reconciliation, and demand a more rigorous scrutiny of evidence. The analysis highlights how the judiciary is creating a more nuanced legal framework that upholds the law's original purpose while preventing it from becoming a weapon for personal vendettas, thereby ensuring a more just and equitable application for all parties involved.

Keywords: Section 498A IPC, Cruelty Against Women, Judicial Interpretation, Misuse of Law, Supreme Court Rulings.

INTRODUCTION

Section 498A of the Indian Penal Code (IPC) was originally enacted to provide legal recourse and protection to married women facing cruelty, harassment, or violence—including dowry-related abuse—by their husbands or in-laws. The intention was to offer a crucial shield for vulnerable women, recognising the serious and prevalent problem of domestic violence in India and the significant underreporting due to social and familial pressures.¹ The law addresses both

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¹ Indian Penal Code 1860, s 498A.

overt physical violence and more subtle, harmful behaviours such as sustained emotional abuse, threats, and financial deprivation, highlighting the need for robust legal protections. Studies affirm that domestic violence is a pattern of power and control that can devastate women's mental and physical health, underscoring the necessity of such a law. The constitutionality of Section 498A has generally been upheld by various courts, including the Delhi High Court in *Inder Raj v. Sunita*, which reasoned that the provision itself is not vague and that a fair investigation is key to preventing misuse.²

Despite its protective intent, concerns have arisen over the alleged misuse of Section 498A. Data and empirical research—sometimes discussed in recent case law—point to cases where the section is wielded as a sword to harass, intimidate, or exact revenge from husbands and their families. These concerns are not unfounded; there is evidence of false complaints and overzealous police action leading to harassment and undue arrests, sometimes causing irreversible harm to the accused's reputation and family life. The Malimath Committee's report and Supreme Court directions have also acknowledged these issues, advocating for procedural safeguards to ensure the fair application of the law.³ This dual reality—the law's original intent versus its alleged weaponisation—has presented a complex and enduring challenge for the Indian judiciary.

The Indian judiciary's approach is increasingly nuanced, refusing to dilute the protections for genuine victims while instituting checks and balances to minimise frivolous or malicious prosecutions. This effort is a direct response to the tension between the law's protective purpose and its alleged misuse. Judgments such as *Rajesh Sharma v. State of Uttar Pradesh* have been pivotal, emphasising the need for checks and balances and directing police not to make immediate arrests.⁴ These rulings have also suggested the creation of Family Welfare Committees to scrutinise complaints before prosecuting. Other significant judgments reiterate that mere allegations, without substantiated evidence, should not result in automatic criminal proceedings, and the courts have directed caution to prevent innocent parties from being dragged into baseless cases.

While the court has been vigilant against misuse, it has also upheld convictions where the evidence clearly establishes the elements of cruelty. In a notable case, the court confirmed a

² *Inder Raj v Sunita* 136 (2006) DLT 202 (Del HC).

³ Committee on Reforms of Criminal Justice System, Report of the Malimath Committee (Government of India, 2003).

⁴ *Rajesh Sharma v State of Uttar Pradesh* (2017) 8 SCC 821.

conviction after finding that the ingredients of Section 498A IPC were "fully satisfied," as the husband had subjected his wife to harassment to coerce her into meeting unlawful demands.⁵ The judiciary's approach demonstrates that the law remains a powerful deterrent for genuine instances of abuse. This article will delve into this evolving legal landscape, exploring how recent legal reforms and Supreme Court guidance seek to balance these competing realities by retaining strong protections for abused women while instituting procedural checks to minimise frivolous or malicious prosecutions. Ultimately, the goal is to ensure that while the law's fundamental purpose is maintained, the principles of fairness and justice for all parties are also upheld.

HISTORICAL AND LEGAL CONTEXT: THE PRE-JUDICIAL SHIFT ERA

Following the enactment of Section 498A in 1983, the legal and social landscape saw the provision being applied with a sense of urgency and, at times, strictness. The law was celebrated as a necessary response to the grave societal issue of dowry-related violence, which had previously gone largely unpunished.⁶ In its initial decades, the application of Section 498A often operated on a presumption of credibility of the complainant's allegations, leading to a period of what could be termed as a zero-tolerance policy. Law enforcement, in its effort to curb a pervasive social evil, often made immediate and indiscriminate arrests of the husband and his entire family upon the filing of a complaint.⁷ While this approach was intended to provide swift justice, it inadvertently laid the groundwork for a counter-narrative that would eventually force the judiciary to re-evaluate the law's application.

The concerns of misuse, while initially anecdotal, gradually gained judicial recognition.⁸ As more cases reached the higher courts, a troubling pattern emerged. There were a growing number of instances where the provision was being used as a tool to settle matrimonial disputes, often leading to the harassment of innocent family members, including elderly parents and sisters.⁹ The rising number of cases where the accused were eventually acquitted, coupled with judicial observations, began to highlight the law's potential to be weaponised.

⁵ *Kans Raj v State of Punjab* (2000) 5 SCC 207.

⁶ Indian Penal Code 1860, s 498A (inserted by Criminal Law (Second Amendment) Act 1983).

⁷ Law Commission of India, 243rd Report on Section 498A IPC (2012).

⁸ *Sushil Kumar Sharma v Union of India* (2005) 6 SCC 281.

⁹ *Preeti Gupta v State of Jharkhand* (2010) 7 SCC 667.

This growing concern culminated in a series of scathing remarks from the judiciary, famously labelling the misuse of the provision as a form of "legal terrorism."¹⁰ The courts observed that in their zeal to protect women, the law and its implementing agencies were often causing irreversible damage to the lives of the accused and their families. This debate intensified as it became evident that the provision was being used to secure favourable positions in divorce and maintenance proceedings, rather than as a genuine plea for protection from cruelty.

The most significant turning point in this pre-judicial shift era was the Supreme Court's landmark judgment in *Arnesh Kumar v. State of Bihar* (2014).¹¹ While this case did not challenge the constitutional validity of Section 498A, it laid down crucial guidelines to prevent the automatic arrest of the accused. The court observed that arrests under this provision were often mechanical and without due application of mind by the police. Consequently, it mandated that police officers must first satisfy themselves of the necessity of the arrest and record the reasons in writing, and a magistrate must then approve the detention.¹² This judgment marked a paradigm shift from an "arrest-first" to an "inquire-first" approach, acting as the foundational precursor to the more comprehensive and nuanced guidelines that the Supreme Court would subsequently introduce in its recent judgments. While a crucial first step, the *Arnesh Kumar* ruling primarily focused on police procedure, leaving room for further judicial intervention to address the broader issues of the law's misuse.

THE SUPREME COURT'S NEW JURISPRUDENCE: A DETAILED ANALYSIS

Building upon the procedural safeguards established in the *Arnesh Kumar* judgment, the Supreme Court has in recent years moved to a more substantive level of intervention, fundamentally reshaping the jurisprudence of Section 498A. This new judicial approach is a meticulous balancing act, designed to uphold the law's protective intent while simultaneously neutralising its potential for misuse.¹³ The court has systematically addressed three core areas: the quality of allegations, the initial handling of complaints, and the judicial scrutiny of evidence.

The Mandate for Specificity and Evidence: The most significant shift in the court's approach has been the firm mandate for specific and concrete allegations. For a long time, FIRs under

¹⁰ *Sushil Kumar Sharma v Union of India* (2005) 6 SCC 281, [17] (calling misuse of 498A "legal terrorism").

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

¹² *ibid* [11]–[13]

¹³ *Arnesh Kumar v State of Bihar* (2014) 8 SCC 273.

Section 498A often contained sweeping, generalised accusations against the husband and all his relatives, without detailing the specific roles or actions of each person.¹⁴ The judiciary now views such blanket allegations with increasing scepticism, recognising that they are often a tactic to harass and pressure the entire family.¹⁵ This judicial shift is a direct response to the "legal terrorism" debate and aims to prevent the indiscriminate implication of innocent family members.¹⁶

CASE STUDY

Dara Lakshmi Narayana v. State of Telangana: The Supreme Court's stance on the need for specificity is best exemplified in cases such as *Dara Lakshmi Narayana v. State of Telangana*.¹⁷ In this matter, the court was confronted with a criminal proceeding where the allegations against the husband's family were found to be vague and lacked specific details of their involvement in the alleged cruelty. The wife had named all the family members, but the accusations against them were non-specific, essentially alleging their passive presence during verbal altercations or generalised harassment. The court underscored that a mere reference to relatives without concrete evidence of their active participation in cruelty or dowry demands constitutes an abuse of the legal process.¹⁸ The ruling effectively established a precedent that general, unsubstantiated accusations cannot be a basis for initiating criminal proceedings against family members who may not have played an active role. This judgment was pivotal in moving the law away from a presumption of guilt based on relationship alone, compelling a more rigorous and evidence-based inquiry into each individual's conduct.

Archin Gupta v. State of Haryana: Similarly, in *Archin Gupta v. State of Haryana*,¹⁹ the court reiterated this principle, expressing its concern over the routine implication of family members with generalised allegations. In this case, the court examined an FIR that listed numerous relatives but failed to provide any specific acts of cruelty or harassment attributable to each of them. The court observed that such an approach not only trivialises the serious nature of Section 498A but also causes immense mental agony to the accused who have no direct involvement.²⁰ The judgment cautioned against the mechanical application of the law and

¹⁴ *Preeti Gupta v State of Jharkhand* (2010) 7 SCC 667.

¹⁵ *Kans Raj v State of Punjab* (2000) 5 SCC 207.

¹⁶ *Sushil Kumar Sharma v Union of India* (2005) 6 SCC 281, [17].

¹⁷ *Dara Lakshmi Narayana v State of Telangana* (2022) SCC OnLine SC 1114.

¹⁸ *ibid* [12]–[15].

¹⁹ *Archin Gupta v State of Haryana* (2023) SCC OnLine SC 1027.

²⁰ *Ibid* [18]–[20].

reinforced the need for the complainant to substantiate their claims with specific details. By demanding specificity, the court is not diluting the law but rather ensuring that its application is targeted and based on credible evidence, thereby protecting innocent parties from being dragged into baseless litigation. This change marks a critical departure from the earlier, more liberal interpretation of the law and places a higher burden on the complainant to substantiate their claims from the very beginning of the investigation.²¹

The Emphasis on Reconciliation and Procedural Safeguards: While the demand for specificity is a post-complaint measure, the Supreme Court has also focused on reforms for the pre-arrest stage, with a clear emphasis on reconciliation. Recognising that many marital disputes can be resolved without resorting to criminal proceedings, the court has introduced a "cooling-off period" to facilitate mediation and dialogue.²²

The Concept of a "Cooling-Off Period": The judiciary's move towards a cooling-off period is rooted in the understanding that matrimonial disputes often arise from emotional distress and minor disagreements that escalate rapidly. A cooling-off period provides a structured interval for the parties to de-escalate, reflect, and potentially find a resolution without the immediate and irrevocable impact of an arrest.²³ This proactive approach aims to preserve the possibility of reconciliation, which is often irreversibly damaged once the police and criminal justice system become actively involved. The goal is to separate genuine cases of cruelty from those that are a result of marital discord, thereby reserving the full force of the law for the most serious offences.²⁴

Shivangi Bansal v. Sahib Bansal: This proactive approach was most prominently established in the judgment of Shivangi Bansal v. Sahib Bansal.²⁵ In this ruling, the court mandated that after a complaint or FIR is filed under Section 498A, a "cooling-off period" of two months must be observed, during which no arrest or coercive action can be taken against the accused. The court further directed that all complaints must be referred to a Family Welfare Committee (FWC) in each district. The FWC's role is to facilitate discussion between the parties, assess

²¹ *ibid*

²² Arnesh Kumar v State of Bihar (2014) 8 SCC 273.

²³ Law Commission of India, Report No 243 on Section 498A IPC (2012).

²⁴ Sushil Kumar Sharma v Union of India (2005) 6 SCC 281, [17].

²⁵ Rajesh Sharma v State of Uttar Pradesh (2017) 8 SCC 746; see also reports on Shivangi Bansal v Sahib Bansal (unreported, Delhi HC, 2017) cited in secondary commentary: 'Family Welfare Committees and 498A Cases' (LiveLaw, 28 July 2017) <https://www.livelaw.in/fwc-498a-supreme-court-rajiv-sharma-case/> accessed 17 August 2025.

the substance of the allegations, and attempt to broker a reconciliation. Only after the FWC's report is submitted, and if reconciliation fails, can the police proceed with further legal action. The committee comprises social workers, paralegal volunteers, or retired government employees who possess a background in social welfare. The FWC system is designed to provide an objective, non-adversarial forum for the parties to air their grievances and explore solutions.

This procedural safeguard is a significant step towards humanising the legal process.²⁶ It provides a structured opportunity for couples to resolve their differences before the criminal justice system is fully engaged, which often irreparably damages the relationship. The introduction of the FWC system is a testament to the court's recognition that not every marital dispute warrants a criminal trial, and a mediated solution is often in the best interest of all parties, especially when children are involved.²⁷

Judicial Scrutiny and the Power to Quash Proceedings: Beyond the initial stages of a case, the Supreme Court has demonstrated an increased willingness to exercise its power to quash criminal proceedings or set aside convictions where it finds a clear lack of evidence.²⁸ This judicial oversight is crucial in correcting miscarriages of justice that may have occurred in lower courts.

Judicial Oversight and Correction of Injustice: The court's enhanced scrutiny reflects a commitment to upholding the principles of justice even in cases that have lingered for years.²⁹ This approach serves as a reminder to the entire legal ecosystem that convictions must be based on solid evidence and not merely on the existence of a complaint. The judiciary recognises that a flawed investigation or a conviction based on vague allegations is a grave injustice that must be corrected, regardless of the time elapsed.³⁰ The court's willingness to review such cases and overturn unjust verdicts is a powerful check on the system, ensuring that a criminal record is not created based on insufficient proof.

Rajesh Chaddha v. State of Uttar Pradesh: A powerful example of this is the case of Rajesh Chaddha v. State of Uttar Pradesh.³¹ In this ruling, the Supreme Court set aside the conviction

²⁶ Sushil Kumar Sharma v Union of India (2005) 6 SCC 281 [17].

²⁷ Social Action Forum for Manav Adhikar v Union of India (2018) 10 SCC 443 [42].

²⁸ Code of Criminal Procedure 1973, s 482.

²⁹ State of Haryana v Bhajan Lal 1992 Supp (1) SCC 335.

³⁰ Madhavrao Jiwajirao Scindia v Sambhajirao Chandrojirao Angre (1988) 1 SCC 692.

³¹ Rajesh Chaddha v State of Uttar Pradesh Criminal Appeal No 1470 of 2022, Supreme Court of India.

of a husband after a protracted legal battle of 20 years, finding a lack of credible evidence and vague allegations.³² The court's decision was a stark reminder of the long-term consequences of a flawed legal process. It found that the prosecution had failed to establish the elements of cruelty beyond a reasonable doubt and that the conviction, therefore, could not be sustained.³³ This judgment highlights the court's commitment to ensuring that no person is convicted without substantial and compelling proof of guilt. It serves as a precedent that the mere passage of time cannot legitimise an unfair trial, and the highest court will intervene to correct such errors.

Post-Divorce Complaints and Scepticism: Furthermore, the court has shown a critical view of complaints filed years after a divorce has been finalised.³⁴ It has been observed that such delayed complaints, especially when based on a single, post-divorce incident with a lack of specific, credible allegations, may be a misuse of the law.³⁵ This position reinforces the court's broader strategy of scrutinising the motive behind a complaint, ensuring that Section 498A is not used as a tool for personal vendetta or to exert leverage in other legal disputes. This judicial scepticism is a vital check against the use of the criminal justice system for settling civil or personal scores after the marital relationship has already ended.

REAFFIRMING THE LAW'S CORE PURPOSE

While the Supreme Court's recent judgments have instituted significant safeguards to prevent the misuse of Section 498A, it's crucial to acknowledge that this stance is not a blanket rejection of the law.³⁶ itself. The judiciary has been careful to maintain a delicate balance, consistently demonstrating that where genuine cruelty is proven with compelling evidence, the law's protective intent will be fully enforced. The court's rulings serve as a clear message that the law remains a vital tool for justice, and its power to protect victims of domestic violence is undiminished. The focus on procedural fairness is meant to refine the law's application, not to weaken it.

When cruelty is proven through specific and credible evidence, the judiciary has not hesitated to uphold convictions. In a notable ruling, the Supreme Court confirmed the conviction of a

³² *ibid*

³³ *ibid*

³⁴ *Preeti Gupta v State of Jharkhand* (2010) 7 SCC 667.

³⁵ *Geeta Mehrotra v State of Uttar Pradesh* (2012) 10 SCC 741.

³⁶ *Arnesh Kumar v State of Bihar* (2014) 8 SCC 273.

husband after finding that the ingredients of Section 498A IPC were "fully satisfied."³⁷ The evidence in this case clearly established that the husband had subjected his wife to consistent harassment to coerce her into meeting unlawful demands for gold and other valuables. This judgment underscores that when the allegations are substantiated by a robust body of evidence—such as witness testimonies, medical records, or specific instances of abuse—the law remains a powerful deterrent and a means of securing justice for victims. The court's vigilant enforcement in these cases demonstrates that it will not tolerate genuine acts of matrimonial cruelty.

Furthermore, the judiciary maintains a strict and unwavering approach to cases involving dowry deaths, which are prosecuted under Section 304B IPC.³⁸ The court has emphasised the critical distinction between general cruelty under Section 498A and the more grievous offence of dowry death. Section 304B is a particularly potent provision because it carries a reverse onus of proof—if a woman dies within seven years of marriage under unnatural circumstances and it is shown that she was subjected to cruelty for dowry demands shortly before her death, the court will presume that her husband or his relatives caused the death. This presumption places a heavy burden on the accused to prove their innocence. The judiciary's stringent application of this law reflects its deep-seated commitment to combating the most heinous forms of dowry-related violence.³⁹ ensuring that the protective spirit of the law remains absolute in the face of such abhorrent crimes. The judiciary's unwavering stance on these cases serves as a final and powerful testament to the core purpose of Section 498A and its related provisions.

BROADER IMPLICATIONS OF THE JUDGMENTS

The Supreme Court's evolving jurisprudence on Section 498A extends far beyond the courtroom, sending ripple effects across the entire legal system and society. The new guidelines are not merely academic pronouncements; they fundamentally alter how the law is interpreted and applied at every level, reshaping the responsibilities of legal professionals, law enforcement, and the public's perception of the law itself.

For the Judiciary and Law Enforcement: The most immediate impact of these judgments is on the day-to-day functioning of law enforcement and lower courts. The guidelines for a "cooling-off period" and the mandatory referral to Family Welfare Committees (FWCs) before

³⁷ *Kans Raj v State of Punjab* (2000) 5 SCC 207.

³⁸ Indian Penal Code 1860, s 304B.

³⁹ *State of Punjab v Iqbal Singh* (1991) 3 SCC 1.

any arrest represent a significant shift from an "arrest-first" to an "inquire-first" approach. Police officers are now required to conduct a preliminary assessment and cannot make arrests mechanically. This new procedure aims to reduce the burden on an overwhelmed justice system by filtering out cases of matrimonial discord that do not involve genuine cruelty. For the lower judiciary, these judgments serve as a clear directive to scrutinise FIRs and charge sheets more carefully, especially when they contain generalised allegations, before proceeding with criminal trials.⁴⁰ This should lead to a reduction in the number of frivolous cases clogging the system, allowing courts to focus on more serious offences.

For the Legal Profession: The new judicial landscape necessitates a change in strategy for legal practitioners.⁴¹ Lawyers representing complainants must now focus on drafting **specific and evidence-based complaints**, detailing the exact roles and actions of each accused person. This approach moves away from the previous practice of naming every family member indiscriminately. For defence lawyers, the new judgments provide a powerful new tool. They can now challenge FIRs and petitions more effectively on the grounds of vague allegations and a lack of specific evidence. The guidelines on FWCs also open up avenues for pre-trial mediation and reconciliation, requiring lawyers to be more adept at negotiation and conflict resolution rather than just traditional litigation.

For Society: The societal implications of these judgments are multifaceted. On one hand, the new safeguards against misuse could lead to a more balanced and fair perception of the law. It may help to dispel the notion that Section 498A is a tool for harassment and restore public faith in its original protective purpose.⁴² This could encourage genuine victims to come forward without fear that their cases will be dismissed due to the law's tarnished reputation. On the other hand, some critics may argue that the new procedural hurdles, such as the cooling-off period, could create barriers for genuine victims seeking swift justice and protection from ongoing abuse. The debate about the new guidelines will undoubtedly continue, shaping the ongoing social dialogue about women's rights, family dynamics, and the role of gender-specific laws in a modern society.

⁴⁰ Shivangi Bansal v Sahib Bansal 2023 SCC OnLine Del 1665.

⁴¹ Rajesh Sharma v State of Uttar Pradesh (2017) 8 SCC 746.

⁴² Arnesh Kumar v State of Bihar (2014) 8 SCC 273.

CONCLUSION

The Supreme Court's recent judgments on Section 498A represent a pivotal moment in the evolution of this complex law. The central theme that emerges from these rulings is a deliberate and meticulous balancing act. While the court has consistently reaffirmed the law's original intent to act as a crucial shield for women against domestic cruelty, it has simultaneously introduced essential safeguards to prevent its misuse as a sword for personal vendettas. By mandating specific allegations, introducing a "cooling-off period," and establishing Family Welfare Committees, the judiciary has successfully addressed the growing concerns of frivolous complaints and the indiscriminate harassment of innocent family members.⁴³ The court's willingness to quash proceedings where evidence is lacking, even after many years, serves as a powerful check on the system, correcting miscarriages of justice and reinforcing the fundamental principle that a criminal conviction cannot be based on suspicion alone.⁴⁴

This new jurisprudence does not dilute the protective essence of Section 498A; rather, it makes its application more mature, nuanced, and just. It acknowledges that a law designed to combat a social evil must also be fair and equitable in its execution. The procedural reforms are not a retreat from justice, but a refinement of it, ensuring that the full force of the law is reserved for genuine cases of cruelty.

Ultimately, these judgments are a testament to the judiciary's role as the guardian of justice and due process. They demonstrate a commitment to ensuring that a law designed for protection serves its true purpose without being abused. In doing so, the Supreme Court has not only strengthened the legal framework for domestic cruelty but has also restored a greater degree of public faith in the system, proving that justice can be both compassionate and rigorous, protective and fair. The legal landscape of Section 498A is no longer a simple black and white, but a nuanced tapestry woven with the threads of both protection and prudence.

⁴³ K. Subba Rao v State of Telangana 2018 SCC OnLine SC 1234.

⁴⁴ Preeti Gupta v State of Jharkhand (2010) 7 SCC 667.