

Cruelty Against Husband In India: A Socio-Legal Analysis

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CHAPTER 1

INTRODUCTION

• Introduction

Many spouses are currently facing the harsh behaviour of insensitive women. Independent urban women have grown highly attentive to their rights with the emergence of legal knowledge. They call for freedom, equality, privacy and so forth. But this has led to an improvement in tolerance of their spouses and in-laws among educated urban women. The systems of the common family are disintegrating. The financially independent urban wife prevents her from dwelling in law. Its aim is to move toward self-preservation and to make its husband and family hostile and insensitive. The modern Indian urban woman is well educated, financially independent and in no way behind males. There have been several instances in recent decades in which the woman mentally tormented her husband through abuse, insult, defamation, extra-marital affairs, desertification of her spouse, etc. With the implementation of women's power-making legislation such as Section 498A IPC, Dowry Prohibition Act, 1961, Domestic Violence Act, 2005, etc.

The poll was conducted by a group of students from St. Xaviers University. This research reveals that over 66 percent of respondents think that women's laws are being abused. Moreover, 58.95% of respondents think that women's rights imperil men.

These females also submit false criminal accusations under section 498A of the IPC, an offence that may be recognised and unleashed, and their husbands and in-laws are detained according to that provision. This leads to tremendous mental pain for the man and his family. The court acknowledges the submission of such wrongful criminal charges and civil complaints by women against their husbands and lawyers as an act of cruelty and a basis for divorce.

Women in metropolitan regions are more conscious of their rights and are always worried about equal opportunities. This mindset causes spouses some time issues. As a consequence, women aspire to dominate the male culture via supremacy over man. Supervision ideas are therefore one of the grounds for this brutality; nevertheless, there are numerous more explanations. Like females, they are also victims of sexual assaults and domestic abuse, but governmental institutions and society less seriously treat this violence since the views against men are prevalent. This idea that males are without fear, withstand more pain and are able to defend themselves. Men have more duties due to the patriarchal system and it might be the price of the same men for their overall privileged place in society. However, the overall significant severity of the first sexism (sexism against women) is not to be seen as denying, ignoring or tolerating the second sexism (sexism against males).

• Historical Background

In the past women lived in that culture, which kept them lower than males, and women had distinct situations. Furthermore, women had less strength to converse to males. At all phases of life, Indian women faced horrors. Men and women had diverse lifestyles such as women who were known to reproduce and create homes. The quality between the two sexes was not the same. Women were simply recognised as spouses and mothers. They experienced emotional and physical anguish in a marriage relationship, and yet everyone expected them to remain faithful and submissive to their spouse. Furthermore, women had no rights like males. Over time, the appropriate constitution has been formed for women to gain a role in society. These legislations were mainly

motivated by their support in a variety of ways, such as offering equality in education that might make their lives financially independent.

With the shift in the social set-up, the position of women in Indian society has changed or become accurate, with time the situation of women in Indian society has deteriorated.

As a result, numerous legislative measures have been tabled to empower Indian women, for example Section 498A of the Indian Penal Code, 1860, Dowry Prohibition Law 1951 and the Domestic Violence Act just introduced, 2005. These rules are intended to defend a woman from her abuse and torture in her marital relationship with her husband and in-laws. Women who have learnt their rights profit from equality, few of them have used it against males, for instance, modern women are educated and desire independence. Independence is without a doubt her birthright, but misusing all these against men shows that the cruel act of the qualified wife of the city is found to treat her husband and her in-laws with cruelty (most of those cases covered are of mental cruelty), and the courts have therefore granted divorce to the aggrieved husbands on the grounds of their cruelty.

• Review Of Literature

Kumar Anant (2012) The author explores his article - Inland violence against males in India. A perspective published in the Journal of Human Behaviour in Social Environment emphasised the changing role of gender and the cause of the growth in the number of males who have been dealing with domestic abuse complaints for women. The study seeks to explain the dynamics and causes that play a key role in the escalation of women's violence against males. The study is based on the counselling of writers, talks with males who have been victims of domestic abuse and secondary sources. This is why the author tried to illustrate the misuse of the law process in the case of women.

S. Arora Arora (2015) This book, The Laws on Cruelty Against Husband includes the many elements of the husband cruelty legislation, which may be readily followed by legal professionals, under several subheadings. The decision was systematically constructed with a prima facie aspect. In addition, this book deals with the elements of the misuse of the law process in women's cases these days.

Kusum Kusum (2003) This book, Harassed Spouses, tells us that countless incidents have taken place in which husbands have been harassed by women who falsely complain against them. Husbands have also had several nuisances from the implementation and other social organisations.

K.V. Dewan (2015) This book, laws concerning cruelty and offences against husbands, is thematically indexed, a legal statement is abolished to a busy supporter, a smart chapter including suggestive subheadings and simple to read and understand. This includes selected laws concerning husbands' marital cruelty, husbands' desertion by their wives, husband's murder by wife, husband's infidelity, sex denial, falsified cases, complaints, complaints and disputes concerning the husband and his family, mental and sexual disabilities of women and other similar matters.

P.K. Das (2008) The Courts have publicized a progressive approach in this regard and has held filing of false cases under the above women empowering laws as a ground of divorce because doing so inflicts mental agony and pain to the husband as the husband and his family has to undergo through harassment and torture in the hands of police.

Arnesh Kumar vs. State of Bihar, (2014 8 SCC 273) At the same time the Courts have given strict instructions to the police authorities to follow proper procedure under the Criminal Procedure Code to avoid harassment faced by the innocent husbands and their families.

• Research Gap

Whenever women suffer torture in the Indian Society, various study is carried out on them. And numerous welfare groups spoke against women's harshness. Because women are also an important component of society and require equal rights as men. Many laws have been developed for women in this context. Most study has been carried out on the equality of women. However, the research focuses on the males who are the victims of atrocities carried out by cruel women because of new legislation based on rights. This is because nobody is particularly concerned that males may also experience mistreatment. It is necessary to realise, however, that men too have feelings. Therefore, they are often subjected to emotional abuse and this is a key element of our research.

Finally, this study focuses largely on innocent males who face the harshness of their cruel wives.

• Objectives Of Study

- To grasp the idea and classification of cruelty.
- To analyse the many judicial decisions in which the courts awarded a decree of divorce in favour of a husband because of his wife's cruelty.
- To analyse the judicial decisions on the grounds of cruelty granting a divorce to the spouses in order to

deduce a common cause and grounds for cruelty by women.

- To critically evaluate the key problems about the cruelty of women to spouses and to make suggestions.

• Statement Of Problem

The current research aims to focus on the harshness of their women to spouses in modern Indian urban culture. In the proposed term paper, the idea of cruelty against the husband was analysed and the act of cruelty was classified mental and physical. In order to analyse the many judicial decisions in this categorization, courts have ruled that husbands are divorced because of their wives' cruelty. In addition, the research tried to critically analyse case laws in other situations where the wife has treated her husband with cruelty to discover similar concerns.

• Scope Of Study

The researcher has addressed the notion of harshness to their spouses by urban Indian women. The idea of cruelty has been explored under many personal, secular, criminal and civil laws. Cruelty as divorce pursuant to the Hindu Marriage Act of 1955 was dealt with in detail via different jurisdictions in which women had done their husbands cruelty. The researcher analysed cases of divorce on the grounds of cruelty by women to their husbands. The researcher has finally tried to make ideas to address this threat.

• Hypothesis

Modern metropolitan women exploit the laws against males, therefore contributing to a rising number of divorce proceedings because of the cruelty perpetrated by spouses and women.

• Research Questions

- What is the concept of cruelty and how it has been dealt under various legislations?
- How wives have misuse laws against husbands?
- What are the major concerns in relation to increasing cases of cruelty to husbands by their wives?
- What has been the judicial approach towards granting a decree of divorce in favour of husband on the grounds of cruelty done to him by his wife?
- What are the common issues and trends in cases of cruelty to husbands by their wives?

• Research Methodology

The methodology used in the research is purely doctrinal. The research has been conducted by referring various books, articles, journals, cases, reports and online sources. Judicial Decisions has been critically analysed by the researcher by referring to various Supreme Court and High Court Case laws.

CHAPTER: 2

CONCEPT OF CRUELTY AND ITS CLASSIFICATION

• Meaning of Cruelty

The term "cruelty" is inextricably connected with human behaviour. It is always dependent on the social dimension or background, lifestyle, connection, temperament and emotion of the parties. In addition, it is not required for physical injury to be utilised to prove legal cruelty.

The notion of cruelty changes from one person to another based on his education, sensitivity levels, academic, family and cultural backgrounds, socioeconomic status, social scale, customs, traditions, religious faiths, human values and their system of values.

As mentioned in Black's law, "cruelty" is defined in the dictionary as the deliberate and malicious infliction of physical suffering on living things mostly people, or the cruel, disgusting and unnecessary infliction of pain on body and the emotions.

The idea of cruelty varies from location to place and from person to person in applying it to the social standing of the individuals and the economic condition and other concerns. We cannot describe cruelty in set criteria, because in a marriage of commonwealth there is no straight jacket formulation of cruelty.

The Supreme Court in *Shabha Rani vs. Madhulcarreddi* said, "The surrounding life has changed markedly. There is a substantial shift in marital obligations in particular. A collection of events which in one situation are stigmatised as cruelty cannot be so in other cases. The claimed cruelty may primarily depend on the lifestyle or economic and social condition of the parties. It may depend on the culture and values of its people to which it attaches significance."

The Supreme Court decided that cruelty should not be so as to cause reasonable apprehension of the fact that it would be injurious for the petitioner to stay with the other Party in the case of *G.V.N. Kameswara Rao v. G. Jalili*. If the conduct is performed with the aim of causing misery to the other party, it will be cruel. Furthermore, whether or not a given act is a cruelty, the social standing of the parties would be a consideration of the relevant kind.

The Court of Justice in *Jayachandra v. Anil kaur*, held that the Hindu Marriage Act of 1955 did not define the word cruelty. Cruelty has been used in the context of one spouse's human conduct and conduct, which unpleasantly affects the other. Cruelty may be mental or physical. In view of the regulations and norms on marriage relations of the particular community to which the couple is connected, the problem of mental cruelty should be examined. In addition, their position, their social beliefs, their traditions and their surroundings.

The court in *Mohd. Hoshan vs. state Of A.P.*, found that it is primarily a matter of fact whether one spouse is guilty of cruelty to the other. The influence of complaints, charges or accusations on a person who is a crime relies on various aspects, such as the sensitivity of the victim, the social context, the surroundings, education, etc.

But cruelty must be different from typical marital wear and tear.

There is therefore no accurate definition of cruelty. Cruelty is a dynamic notion and it is therefore quite obvious that its significance has continually altered over time. The significance of cruelty has become mostly self-centered and emotive in the current day. Therefore, cruelty is not a static notion, it changes continually.

• Classification of Cruelty

The concept of cruelty is classified in two heads-Physical Cruelty, and Mental Cruelty

Physical Cruelty

It comprises aggression towards one spouse and injures the body, limb or health. "What physical violence would mean to be physical cruelty, depends on the sensitivities of the parties, from instance to case." A single act of physical violence may also be a cruel act. Simultaneously, a sequence of minor acts of violence can be cruel. In physical cruelty, the actual risk of life does not have to be shown. One or two physical acts of violence are sufficient to be cruel.

In case of *Swat vs. Arvind Mudgal*, the court stated that, "One or two actions are more than adequate to establish physical cruelty, even though the only conduct may be so grave and weighty that the cruelty test might be fulfilled by physical cruelty."

In case of *Savitri vs. Mulchand Adam*, When the husband refuses to do anything at the behest of the wife the son would take the husband's testicles and squeeze them to cause huge bodily agony and suffering.

In another instance, *Ashok Sharma vs. Santosh Sharma*, divorce the wife used to hurriedly and contemptuously pull the penis of her husband into "inappropriate impulses," which caused the husband severe agony. Similarly, for *Krishna Banerjee vs. Bhanu Bikash Bandyopadhyay*, it's a huge instance of physical abuse when the woman deliberately burns her husband with kerosene oil.

Mental Cruelty

Such brutality is not described anywhere. The court continually relies on the facts and conditions of each case. But the court must take into account various elements throughout the judgement, such as societal values, community, culture, status, style of thinking and party environment.

Mental cruelty undoubtedly plays a crucial part in contemporary marriage law. Although intention is no longer an important part of cruelty, the mental condition of the respondent cannot be ignored completely. The subjects must be taken into account in the same manner as temperaments and other conditions should be taken into account.

In the case of *Praveen Mehta vs. Inderjeet Mehta*, the Supreme Court said that the primary instrument of cruelty was previously considered to be true bodily wound or reasonable anticipation of it. But this theory is shortened in this modern period. The current opinion is that mental cruelty can lead to even more serious injury and thus a reasonable concern in the mind of an injured spouse that life with his spouse is uncertain or harmful. "In the case of *S. Hanumantharao vs. S. Ramani*, mental cruelty implies that either party causes mental anguish, grievance or suffering to such a degree that it breaks down the link between the woman and the party that suffers from being with the other party does not have the opportunity."

In the instance of, the woman mistakenly stated that her husband had an extra-marital and illegal connection. The court concluded that such allegations constituted such mental cruelty that the man could not fairly be expected to remain with his wife. The husband was issued a divorce decree.

CHAPTER: 3

CRUELTY AGAINST HUSBANDS IN INDIA

• What Amounts to Cruelty Against Husband

Cruelty is a wicked thing in society. It is a matter of fact whether a spouse is guilty of cruelty. The concept of cruelty specifies the facts and circumstances of a particular event. Not only can we create a complete definition, but the straight jacket formula does not indicate what constitutes cruelty. The idea of cruelty is variable in nature in terms of time, location and person. It is based on the parties' way of life and economic standing, their culture and their human value. It also depends on the participant's physical and emotional circumstances. Many judicial statements have addressed many characteristics and behaviours of women who are considered as cruel vs. men.

Following are some cases of women who are considered as being harsh to their spouse-

Misuse of Dowry Laws by Wife

The mistreatment of the provision of Dowry and Cruelty claims under the Domestic Violence Law, Dowry Prohibition Law, 1961, Section 304B and Section 498-A of the IPC against husband and husband families via misclaim is cruel. The dowry law survey showed that 98 per cent of complaints filed under Article 498A were fraudulent.

In Vivek vs. Vanita case, the High Court found that after 8 years of marriage, the wife had submitted an account against her husband that her husbands had sought money from her, and that the husband had physically attacked her in order to fulfil his dowry requirement. The wife did not have proof to support the accusation that her husband had assaulted her for seeking money. She was responsible for giving her spouse mental torment. In another case, Sarabjit Kaur vs. Harjinder Singh, High Court Punjab & Haryana found that the wife made complaints against the police as a dowry request. Police declined to record any FIR, because the claims made by a woman could not be supported and the wording by a wife to a mother-in-law could not be justified. It is also harsh to the husband.

The Supreme Court had currently revised its judgement to ensure that Section 498A is not misused. The Supreme Court stated that one or more Family Welfare Committee members, preferably three members, were set up in each district. Any compliance by the police or the magistrate provided under section 498A shall be reported to any investigation by the same committee. Unless the committee report is obtained, no arrest should typically occur.

Filing a FIR by the wife in accordance with section 498-A of the Indian Penal Code that was proved to be fraudulent after an inquiry constitutes cruelty towards the husbands.

In the matter of Arnesh Kumar vs. Bihar State in general, in an attempt to ensure that a police officer does not unreasonably capture the accused, and that the Magistrate does not approve detention unchalantly and precisely, in cases covered by Section 498-A of the IPC, the court gave a certain direction (nevertheless the instructions also concern other situations where the offences are guilty of detention for not more than seven years):

- Police authorities should thus not arrest the suspect if a complaint is lodged under 498-A of the IPC. They should be satisfied that the arrest under parameters shifting from section 41 CrPC is important (the judgement sets out the parameters).
- Police officers will complete a checklist (including section 41(1)(b)(ii) of the CrPC) and provide the reasons for and material arrest requirements.
- After the conclusion of the report by the police officer, the Magistrate will provide entire approval to incarceration.
- If the police officers fail to heed the instructions, they face disciplinary punishment and court disrespect.
- If the Judicial Magistrate fails to follow the orders, the High Court shall hold him accountable for department action.

Desertion by the Wife

Where women are willing to live separately and permanently terminate coexistence without any cause or apology, it is cruelty. The husband and his family are continually in battle with the wife. She claimed and forced his parents to live disjointedly by threatening to commit suicide. She always goes home outdoors without informing her where she is going and returns late at night. On the other hand, by fraudulent assertion of dowry, she accused her spouse. The court found her guilty of cruelty.

In Ramesh Jangid vs. Sunita, a woman wants her husband to abandon her parents and siblings and she has refused to become an offence because of her harshness.

Adultery by the Wife

The meaning of wife adultery is that she willingly establishes or illicitly establishes relationships with someone else than husband in the presence of marriage. Even if the wife adulterates only once, she is equally harsh. In Vimla Ladkani vs. Dr. Chandra Prakash Ladkani, as well, the woman lives a dishonest life and has unlawful contacts with a person other than her husband.

In another case involving Manish Sandeep Gade vs. Sandeep Vinayak Gade, in her written statement as a defence, she made unfounded claims that her husband had an unlawful connection with a married wife and falsely made allegations of the indecent father-in-law advances, etc. The court held that her written statement was harsh.

Bigamy

If a woman marries a second woman within a legitimate marriage, then this is a reason for cruelty. A lady who is a software technician married another man without divorcing her first husband. When the second husband became aware of their previous marriage, he appealed for nullity, but the wife allegedly launched a domestic violence complaint against the second husband. Recording all the evidence, the first husband now filed a bigamy complaint against his wife. This is obviously a bigamy case.

Threats Given by Wife

If a wife threatens to leave the husband's house or commit suicide to fulfil certain demands and personal

interests, then this is cruel.

Wives' attempts to commit suicide or threaten suicide and to include the husband and his family in the same involvement constitute to husband's mental abuse.

In *Pankaj Mahajan vs. Dimple @ Kajal* in the Apex Court, the following comments were made: "It is widely established that frequent threats of suicide are cruelty. When a gesture or action is repeated, no partner can remain tranquil." In the example stated above, the wife constantly threatened suicide and also tried to leap from the top of a home. These acts have high quality and size such that the petitioner may understand that it would be harmful or painful to remain with the other spouse.

Insulting husband or relatives of husband by wife

If the wife misuses or falsely alleges her husband's reputation or her husband's relatives or uses offensive remarks to fall into the husband's or his relatives' reputation, they are considered as cruelty. It is equally harsh to humiliate a husband in the face of family members and acquaintances. If the woman bears accusations against the husband for having an illegal relationship with other women or for having a girlfriend, *Deepalakshmi Saehia Zingade vs. Sachi Ramesh Rao Zingaden* amounts to cruelty against the husband.

In the case of *Shardha Nand Sharma vs Kiran Sharma*, the High Court decided that the woman's allegations about the husband's unlawful connection with a lady were unfounded and malicious, with the wife trying to make these falsely reported allegations with copies of them to the Chief Minister to all his superior officers to uproot his reputation in the area where he worked.

Refusal by wife to perform marital obligations

If a wife always refuses to make a relation with her husband and to perform other marital obligation without any adequate reasons, it can be considered as cruelty.

In the case of *Anil Bharadwaj vs. Nimlesh Bharadwaj*, a wife who refuses to have sex with the husband without giving any reason was proved as sufficient ground which amounts to cruelty against the husband.

In the case of *Kalpna vs. Surendranath*, it was observed that a wife who refuses to prepare tea for her husband's friends was declared by the court as cruelty to her husband.

False FIR or Complaints by wife

If a woman with malicious intention forms an FIR or files complaints against a husband and husband's family who know they are false in order to be annoyed, embarrassed, or intentionally, this is mental cruelty. Fraudulent allegations of abuse and false bigamy cases are cruelties.

In the case of *Pranati Chatterjee vs Shri Gautam*, the wife complained falsely to the husband's superior of the ill-treatment that the husband's reputation in the eyes of his company was diminished and his career and promotional opportunities covered with mental cruelty impacted. In another instance of *G.V.N. Kameswara Rao vs. G. Jabilli*, the wife complains wrongfully to the police and therefore loses the status and prestige of the husband and his family in society, which is a kind of mental cruelty towards the husband.

In the case of *K. Kavitha vs. Shiva Shankar Kamel*, the Court held that a wife raising unconscious and outrageous allegations against her husband that maintaining an unlawful relationship with her neighbour caused such false accusations to her husband that marriage life with her could not possibly lead. Husband Entitled to Divorce Decree U/s 13(1)(a) of the Hindu Marriage Law, 1958.

The Delhi High Court decided that in the case of *KB vs. Ss*, the wife presented clear charges against the husband that she maintained illegal connections with other women. These claims are highly serious since they represent a blow to the members of his family especially when there is nothing to demonstrate that they are true. Damage to marriage bonds created by a woman when she made such serious and scandalous claims against her spouse is her CAW Cell complaint. Husband has been proven to be the foundation of cruelty.

In the matter of *Jyotsna Sharma vs. Gaurav Sharma*, the High Court found that the act and behaviour of the spouse which caused mental cruelty to the spouse his family by raising false charges against the spouse.

Cruel behaviour of wife

Under normal situations, woman should obey her husband and live with her husband's family. But cruel treatment of wife is to tear her husband's shirt, break "mangalsutra" in the lives of family members, the woman's unnatural behaviour and misconduct against her husband and family, urge or persist on the husband to leave her house or live independently from the family of his parents, disobey her or his laws and leave the family. Burning husband's thesis and labelling him impotent is a harsh deal. The obstruction of a husband's study is also considered harsh. In the matter of *Manisha Jha vs. Kunalkanti Jha*, the husband was requested by his wife to differentiate himself between himself and his family, not just using harsh words to criticise the husband and others in his family. Disgrace in a public place or in the existence of colleagues or friends is also unnecessarily harsh.

CHAPTER-4

LEGISLATIVE PROVISIONS DEALING WITH CRUELTY

Specific Provisions Under Various Acts

If the husband is cruelty-bound and the case is proven, a divorce judgment may be issued. The Apex Court and many High Court also found that a divorce order might be issued by the spouse on the basis of cruelty. If the

husband claims that he is harsh, then he has to make his case for a divorce order from the Court of Justice. The following are the provisions under numerous Acts :

The Hindu Marriage Act, 1955

Clause (a) of section 13(1) this act provides cruelty as a ground for a decree of divorce. It states that, if the other party has after the ceremony of the marriage, treated the petitioner with cruelty.

The Special Marriage Act, 1954

“Clause regarding to cruelty under the Act is similar with the matching clause of Hindu Marriage Act, 1955.” Section 27(d) of the Act provides that if the defendant has after the ceremony of marriage, treated the petitioner with cruelty.

The Parsi Marriage and Divorce Act, 1936

Clause (dd) of section 32 of the Act says that the defendant has treated the petitioner cruelly, or was meant to make it unsuitable in the court's judgement to force the claimant to remain with the defendant.

There is another phrase in the same area parallel to physical cruelty, reason (e) of section 32

“that the defendant has voluntarily caused significant injury to the plaintiff since marriage, or has suffered venereal disease to the plaintiff or, if the defendant is the husband, pushed the woman to prostitution.” The proviso of the provision allows the Court to execute a decision dissolving the marriage or judicial separation.

• **The Indian Divorce Act, 1869**

The 2001 cruelty in no way constituted a divorce cause for the husband before the Indian Divorce (Amendment) Act. But the harshness of the husband to infidelity was the basis of the wife. The modified paragraph (x) of Section 10 of the Act applies: it has kept the petitioner so cruelly that the petitioner is sensitive to the view that it would create damage for the petitioner to remain with the respondent.

General Provisions

Many articles of the Indian Penal Code, 1860, the Criminal Proceeding Code 1973 and the Civil Procedure Code 1908 are indirectly linked to cruelties in which husbands can bring counter suits against their wives to defend themselves.

General Provisions Under The Indian Penal Code, 1860

120B Section IPC, 1860: Criminal conspiracy punishment: The husband has the right to bring a case against his wife on charges of a crime against him and his family.

Section 167 of IPC, 1860: The public employee describes an incorrect injury document: it is the husband's right to bring a case against officials and wives who assist his wife in producing the erroneous document.

Section 182 of IPC, 1860: False information in order to establish public servants to use their legal ability in order to injure anyone else is that, in general, the public servant does something that probably wouldn't be a reality, therefore false information is disseminated to squeeze the evidence.

Section 191 of IPC, 1860: Proving false evidences: If at the Court or the police station, the husband considers that his wife or someone gives false evidence, he may present the case claiming that the evidence used to prosecute him is false, which therefore renders the whole charges false. Section 197 of IPC, 1860: False certificates issued or signed: Perjury is a felony; a fraudulent certificate could not be signed and declared to be valid. Thus, if anybody suffers due to a fake certificate, after providing adequate proof he can be irreproachable.

Section 471 of IPC, 1860: Anyone who mistakenly, or dishonestly, uses any (document, or electronic record) which he or she knows or has a reason to take as forged (document or electronic record), shall also be penalised, as they believed, for having manufactured such a document or electronic record (document or electronic record).

IPC Section 500, 1860: defamation: reputation is an extraordinary treasure. If somebody tries to insult a person, he/she can thus utilise every measures to bring them to justice for the pain they are suffering because of their misconduct. They will be qualified by monetary terms to pay for the problems.

Section 506 of IPC, 1860: Criminal intimidation punishment - The husband has the right to sue his wife. She threatens to hurt himself or his family or possessions. The only thing that may explain his case is thus proof.

General Provisions Under Civil Procedure Code, 1908

□ **Section 9 of the Code of Civil Procedure, 1908:** Recovery of damages: When the wife enters the husband's home, takes a scene and goes to "protection officer" and falsely says she's "emotionally, physically or psychologically" tormented by the husband, the husband has the right to bring his wife's damage recovery claim under section 9 of the CPC. He has to notify him legally about the same time or the same day. The outfit will last a long time.

CHAPTER -5

JUDICIAL APPROACH IN INDIA

Case Laws

Since 2014, the researcher has been looking for several examples. Where the women were convicted of cruelty to their spouses and so a divorce order was proclaimed in the favour of the husband. In maximum cases when the women were convicted of their husbands' harsh behaviour in an urban setting. Similarly, in many situations, the woman is both financially independent and qualified and has a good family backing. Meanwhile, in many situations, women-centered weapons have been employed by women in harassment of their spouses and laws. As in many situations, women bring illegal accusations against their spouses and civil complaints. As a consequence Section 498-A of the Indian Penal Code (with the other parts) was grossly distorted, the Dowry Prohibition Act, 1961 and the current women's empowering civic act Domestic Violence Act, 2005. The aforementioned statements are authenticated by the following situations:

Malathi Ravi vs. B.V Ravi

The husband is an Associate Professor at the Ambedkar Medical College in Bangalore. He filed a request for judicial separation and dissolution of marriage under Section 13(1) of the statute. The husband stated that after marriage the husband and wife lived together for a year and a half, but his wife's attitude to him and his family was worse. Then she took the child and went to the residence of the parent. She lived there three years and didn't want to return home to her spouse. She joined a medical college course. Husband made all attempt to return home to his wife, but he failed. He went home with his in-laws, but they were ill-treated and threw him out of the house. This behaviour caused him emotional pain. The Court ruled that, while a decree was issued on restitution of marital rights, the woman waited until the final day after the expiry of the time according to the decree reflected on her adhesion to the husband. There may be no legitimate mistake, but the attitude is represented. The answer also says there is expectation of considerable care and cordiality. This reveals a sense of uncertainty as well as a visible threat. As the circumstances unfold, the wife lives for two months before leaving the marriage house and lodging FIR for offences punishable according to Sections 498A, 506/34 of the Indian Penal Code, and under Dowry Prohibition statutes. The spouse is in detention for a day." The Court further concluded that: "The attitude and conduct of this kind suggests that the spouse has been mentally harsh and certainly has been confronted with ignominy as an associate professor at a government medical school. This humiliation impacts the status if one enjoys social standing in a government hospital. Besides that, it might be fictitious, the slightness he can face. In reality, the sequence of events could have forced him to go through the whole range of emotions. It should surely have harmed his regard for himself and his human sensitivity. The bloody concept of marriage was probably conceived and it would not be unnecessary to mention that the woman showed her husband with anaemic emotional character. The decision of divorce issued by the High Court should thus seldom be affirmed on the grounds of mental cruelty."

Vasireddy vs. Vasireddy Naveena

The marriage took place on 24 July 2009 at the Sri Venkateswara Temple in Krishna District, Vijayawada. This is a second wife's marriage and was previously married to another individual and the same thing was dissolved with a divorce judgement. The wife always says to the husband not to go to work and disputes with him when he leaves the workplace in the morning, the wife and her father want a vasectomy procedure of the husband just so that the husband does not reproduce children via the wife because she had a baby with her ex-husband. The husband made other reasons for asserting that the woman had submitted an untruthful complaint under Section 498A in which he was irresponsible with a view of disturbing him. It is stated that she further filed a complaint under the Protection of Women from Domestic Violence Act, 2005, establishing untruthful allegations of a dowries application through complaint. As a result, the husband is helpless and wants to commit himself due to his wife's worst behaviour. The husband is a family member, the Court has said. This is not justice for his wife to urge that he leave and stay home. In addition, the spouse had no justice in creating dispute with him. He went to the bureau. Wife's criminal complaint was filed only after the husband's appeal for divorce – the behaviour on the part of a wife was cruel – the husband's claims of cruelty in accordance with Section 13(1)(a) of the Act were established so that husband was entitled for relief from dissolution of the matrimony."

Anita Rani vs. Suresh Kumar

The parties are dental surgeons and were married in Hindu rituals on 4.2.1999 in Bahadurgarh. After the marriage the appellant continuously compounded the respondent and compelled him to live in the marital house clearly. The groups worked in two separate primary health centres as dental surgeons. Relationships are

also not good in both. The husband had signed the register and withdrew his pay, but at that time she kept mommy, but after that she began to send letters to the department to take action. She also brought an unlawful charge against the spouse and in-law members according to Sections 498-A, 406 of the Indian Penal Code, where the defendant has been held but the ultimate conclusion of the acquittals. Such a circumstance would generate sensitive concern in the mind of the accused that living with his wife is not secure. In addition, the refusal to participate in housework and the husband and his family members' worst behaviour was cruelty against the husband. So the wife was nasty to the husband.

Case Analyse

A few parallels may be noted if we analyse the above examples. Most of the instances are in an urban set-up, where the women are well-trained and financially independent, as is seen in the case of Malathi Ravi vs. B.V.Ravi, where the wife is a doctor. Similarly, the wife is a dentist in Anita Rani v. Suresh Kumar. Sometimes when the woman is not financially independent, her family is supported, for instance, in K Srinivas vs. K. Sunita, the wife's brother was an IAS official and in Vasireddy v. Vasireddy Naveena, the wife's father was involved in the life of the wife. The women raised unreasonable demands, such as moving from the husband's family to a separate home, as shown by the events of Anita Rani v. Suresh Kumar, or they would be unhealthy and constantly mentally harassing their husbands and members of their families as seen in Vasireddy v. Vasireddy Naveena. In some situations the women accused the husband of unlawful affairs, for example in Radha Majumder v. Arun Kumar and Narendra v. Meena, and in other cases humiliated their spouse before their friends, coworkers and elderly. In the majority of cases, the spouses have falsified FIRs in accordance with Section 498-A and other criminal rules. False criminal charges are brought not just against their spouses, but also against the ageing parents and other husbands' families. In the case of Rajesh Kumar v. State of U.P, instructions to prevent the abuse of Section 498-A of the IPC were provided by the Supreme Court. These ladies abused women in harassment by their spouses who enacted legislation such as the Dowry Prohibition Act, 1961, the Domestic Violence Act, 2005, etc. (498-A). It is also noted that in certain situations women abandoned their spouses and later when the husband filed a divorce petition, as seen in: K Srinivas c K Sunita and Vasireddy v. Vasireddy Naveena, the wives filed false civil and criminal accusations against them. Thus, after analyzing the above cases, the following traits of the above mentioned wives can be summarized:-

- She threatens the husband to commit suicide, she filed false criminal and civil accusations against her husband and his relatives. Wife has unpredictable and violent behaviour towards the husband Blackmail.
- Representative harsh behaviour such to use foul words and a deliberately extra-loud voice towards parents of her husband's sisters and brothers, in order to produce a public shame scenario that intends to scare and terrorise her victims.
- Desertion: a woman who frequently visits her parents and lingers long at her parental home for no reason and who leaves the marital home, sometimes with her children without giving any reason to her husband or parents, denies him the opportunity for her own beloved offspring, in a bid to place illegal and unjust psychological pressure on him to give up.
- Defamation: defamation of the husband's family in the neighbourhood and its relationships by circulating and at times publishing false allegations of her harassment and torture.
- Misrepresentation of facts and occurrences that portray them in a dark light as crimes and tragedies.

The aforementioned instances indicate plainly that modern metropolitan women are increasingly intolerant of their husbands and lawyers. Mental cruelties of their spouses to husbands are usually witnessed in an urban society. Most women who threaten their spouses with brutality are financially independent or well educated with good family support. Women authorising legislation, such as Sections 498A of IPC, Dowry Prohibition Act, 1961, Domestic Violence Act, 2005, etc (aware of legal provisions).

CHAPTER 6 CONCLUSION AND SUGGESTION

• CONCLUSION

A wedding of a lady is a key spark for her life. It is compulsory for her to relocate to a new residence and make changes in the legislation. This is unavoidable, though, and it has been done in the long history of mankind. Whenever two or more people live together, they cannot govern the lives of their partner. Someone needs to make it to someone else. Both husband and wife make significant sacrifices in many marriages for marriage adjustment. A smooth and comfortable trip between husband and wife is important. They require an organisation because they are both two cycle wheels. Moreover, if you want to have a happy and happy life, you should collaborate, and understanding and patience are of course necessary. However, when they both insist on their civic freedoms and behave as sovereign and independent countries, tensions are sure to increase. Due to this, the notion of marriage has evolved fast, even a minor incident might deteriorate into a large quarrel in modern cities. In this way the traditional role of men and women in the big centres of the country has also changed upside down. The contemporary metropolitan woman is skilled, financially independent and knows

her legal rights. This change in the nature of modern urban women has undoubtedly enhanced the position of women in society and has brought to light traditional orthodox opinions about women who are less than men. Modern women in the present day climb the mountains, explore space, possess enormous commercial empires, flourish instantly in the career and personal life. But that's often said — nothing's free. A significant increase in a wife's cruelty against her husband has recently been noted.

- As stated in the 5th chapter, numerous cases occurred when the women worked in the worst way with their husbands and their families. Consequently, the researcher confirmed, after analysing the instances in chapter 5 under the cases (5.1) and the case analyses (5.2.), that the hypothesis is accurate. It might perhaps be by chance that India's contemporary metropolitan women become intolerant of their husbands and families. The awkward demands to leave the husband's parenting house and move to an isolated house, refusals to do household tasks, crying, disturbing, and offending the husband and his parents, deserting the husband to press him to surrender to their demands, directly demonstrate the hideous face of urban women in the modern age. The Indian contemporary women of the 21st century have broken down the burden of acceptance, tolerance and sacrifice which they had hitherto been carrying on their shoulders. If we try to discover the cause for this drastic and unexpected revolution in the character of modern Indian women, then we can find that there are several causes for it.
- The cosmopolitan culture and media exposure greatly influences men's and women's behaviour and thus marriage partnerships. The attitude towards marriage is changing rapidly in India.
- Modern metropolitan women are financially and socially independent and well qualified. She can struggle for her rights and independence and for equal treatment, leading to self-centered and insensitive behaviour with her spouses and family members. On the contrary, spouse parents are not used to the new liberal way of life.
- Modern ladies in their lives constantly desire confidentiality and freedom. In her private life, she has no patients to deal with interruption. As a result, she is quite angry with people. It is also the main cause of conflict.

From centuries on, men have been mistreated by the patriarchal society's dominant position against the vulnerable female class. Furthermore, it is not denied that, in this 21st century, the pain and tolerance of the dominant male culture still persist excessively. Many spouses, however, also deal with the anguish of inconsiderate women. The person who is a victim is a victim. The grounds for relief and punishment of the defendant must not be sex. In addition, in many situations of divorce, the woman has recently filed against her husband untruthful criminal proceedings under Section 498-A of the Indian Penal Code. The easiest way of harassing is to detain the spouse and his family. In quite a few situations, bed-ridden grandfathers and grandmothers of their husbands, their sisters are jailed for periods living overseas." This creates huge mental tension, sorrow and social image loss.

Many speak of the horrific aspect of the domineering, abusive husbands and of the lovely side of weak, subservient women. In the above chapters, however, the researcher did the opposite. While the number of events and situations in which women are handled by their husbands is fairly low, there is no wrong that he close his eyes since men may also be misled by their women's anguish and ill-will.

Indeed, empowerment for women is the key to the hour. Women-centered legislation are very important to raise the status of India's women. But the point is, whether the vulnerable innocent ladies who truly need these laws are actually used? Is this legislation and representation in the countryside or in orthodox homes where women are regarded as unpaid housewives and much worse, as slaves? The fact is that women's empowerment and diverse women's legislation have become a weapon in the hands of a handful of legally knowledgeable, trained, financially independent (or financially stable) women who scorn these laws and use them against their marriages. At the same time, "the so-called women's empowerment" has become an important cause for intolerance among metropolitan women, leading to an increasing number of cases of divorce because of cruelty.

Concerns And Suggestions

- Firstly, in dealing with the problem of restraining husband's cruelty, it is necessary to recognise that men might also fall prey to their torturing, irresponsible and cruel women. Although, in this patriarchal set-up, society typically opposes husbands being subjected to their women's cruelty since the number of victims of male victimisation is smaller. But at present judicial tendencies have revealed a different image, in which the courts have declared divorce in favour of husbands because of the cruelty their spouses have done to them. This knowledge of male persecution should thus permeate through the media, books and technology to everyone of our country. Undoubtedly, contrary to the feminist point of view, the knowledge amongst people about male violence would not quell feminists' centuries-old efforts to enhance the position of women in society.
- The most important concern; It is seen that most cases of misuse of women-centric laws (498-A, Dowry Prohibition Act) are reported by wives who are well educated, aggressive and keep frightening to go to police and court with false complaints. Section 498-A of the Indian Penal Code was introduced with a vowed object to combat the menace of harassment to a woman at the hands of her husband and his relatives. As mentioned above that Section 498-A is a cognizable and non-bailable offence, it has lent it a suspected place of pride amongst the provisions that are used as weapons instead of shield by resentful wives. The easiest way to harass and torture is to get the husband and his relatives arrested under this provision.
- Another major worry is our country's adversarial system. To win the lawsuits, the advocates of women stand

so tight that they lay false charges against the spouse and his family. They offer fake evidence and produce an imagined tale and show the woman in her husband's hands in the opposite situation. The attorneys that are focused primarily in generating money focus exclusively on winning cases, and the fundamental aim of justice for the real victim gets lost in this competition. The law institutions should thus seek to instil the sense of conscience, integrity and honesty. The lawyer is also encouraged to act morally. They should strive to operate in the light of professional morality and ethics, instead of destroying marriage by giving the wife and her family false advice.

- Whenever a married relationship collapses, the first person to be harmed by this disintegration is the couple's kid. Of course, forcing the devastated wife to remain in torment, pain and suffering for his kid would be unjust. However, it is advised that spouses participate in mediation and conciliation actively and seriously. If there is hope in a couple's re-union, especially in situations of desertion, husband and wife should make all possible effort to achieve accord. And once their marriage looks to be irrevocably interrupted, attempts should be taken not to grow their soul.

- In resentment years, women's groups and NGOs have become another important focus. Women's groups and NGOs that are pursuing huge money and aid in the name of the welfare of women and children are behind the misleading advertising. Due to system corruption, organisations and them survive propaganda on the basis of facts and data incorrectly altered. It is found that most incidents of abuse of dowry laws are reported by well-educated, aggressive metropolitan families and women that threaten to go to the police and courts with false accusations. The Supreme Court has also only recognised this abuse of women's legislation after it had known that similar occurrences occur on a massive scale.

- Many examples of men mistreated by wives or in-laws from different regions of the country have been revealed. The hour is needed to build countrywide family counselling centres to aid those distressed families.

There is no group that can genuinely aid the harassed men and members of his family, listen to their side and present their views to the government at the moment.

Therefore, in recent years there has been a spectacular growth in marital conflicts. In this modern world, marriage is no longer regarded a sacrament. In the threshold of the courts, marital ties and love between spouses whether away. There is an urgent need to revive Vedic marital connections where men and women have an equal position and retain respect for one another and mutual faithfulness in regular married life. They lived in oneness and gave each other eternal love. In view of the current reality, however, divorce laws are urgently needed in the country to liberate the unhappy spouse from the burden of marriage. It is, nevertheless, the obligation of parents, schools, instructors, literature, the media to seek to nourish and impart moral qualities such as love, sacrifice, tolerance, honesty, mutual respect and obligations to children in a society devoid of the wicked practises of cruelty towards others.

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