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Guarding Both Sides of Justice: Legal Reforms to Address Misuse of Women-Centric Laws While Strengthening Protection for Women Against Violence

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Abstract

Women centric criminal laws in India, such as Section 498A of the Indian Penal Code (IPC) on cruelty, dowry-related offences, and domestic violence provisions, were introduced to confront entrenched gender-based violence and chronic under-reporting.¹ Over time, however, a powerful counter-narrative of “misuse” has emerged, focusing on allegations of false or exaggerated complaints, omnibus implication of relatives, and strategic use of criminal law in matrimonial disputes. Recent Supreme Court decisions, especially in 2024-2025 on Section 498A IPC and dowry-related offences, demonstrate judicial concern about both wrongful criminalisation and the continuing severity of violence against women.

*This paper argues that the appropriate response is not to dilute women-protective laws, but to adopt targeted legal and institutional reforms that reduce misuse while preserving strong remedies for genuine victims. Drawing on recent case law such as *Dara Lakshmi Narayana v. State of Telangana* (2024), *Achin Gupta v. State of Haryana* (2024), and the Supreme Court’s evolving guidelines on dowry-related violence, as well as earlier precedents including *Arnesh Kumar v. State of Bihar* the paper proposes a reform package centred on: (i) codified arrest standards; (ii) structured triage and voluntary mediation in appropriate cases; (iii) safeguards against omnibus implication of distant relatives; (iv) victim-centred support systems; and (v) data-driven law-making.*

¹ Indian Penal Code 1860, s 498A; Dowry Prohibition Act 1961; Protection of Women from Domestic Violence Act 2005.

It concludes that “guarding both sides of justice” - protecting women from violence and accused persons from procedural abuse - is possible only through calibrated reforms that are evidence-based, gender-sensitive and institutionally grounded.

Keywords: women-centric laws; Section 498A IPC; dowry-related violence; domestic violence; misuse of law; legal reforms; Supreme Court of India; due process; gender justice; criminal justice system; India.

I. Introduction

The criminal law response to violence against women in India has undergone major transformation over the last four decades, from the insertion of Section 498A IPC in 1983 and the strengthening of the Dowry Prohibition Act (DPA), to the Protection of Women from Domestic Violence Act, 2005 and the post-Nirbhaya reforms in 2013.² These changes were driven by feminist advocacy, shocking cases of cruelty and dowry deaths, and sustained criticism of a state that had long ignored gender-based violence.³

At the same time, a strong counter-discourse has emerged around the alleged “misuse” of women-centric laws, particularly Section 498A IPC, often portrayed in media and litigation as a tool for harassment of husbands and in-laws, omnibus arraignment of extended relatives, and leverage in matrimonial disputes and property conflicts. The Supreme Court itself has repeatedly acknowledged concerns of over-implication and misuse, even as it recognises that the bulk of cases remain genuine and the underlying violence severe.

This paper navigates this tension. It begins from two foundational premises. First, violence against women in domestic and matrimonial settings remains pervasive, under-reported and under-prosecuted, justifying a strong legal response. Second, criminal law is a blunt instrument; if used without due process safeguards, it can produce wrongful arrests, stigmatic labelling, and prolonged trial trauma for individuals who may ultimately be acquitted.

The central question, therefore, is not whether to retain or repeal women-protective laws, but how to recalibrate legal and institutional responses so that they are both gender-just and procedurally fair.⁴ In other words: how to guard both sides of justice.

² Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (OUP 1999)

³ *Arnesh Kumar v State of Bihar* (2014) 8 SCC 273.

⁴ Indian Penal Code 1860, s 498A.

II. Women-Centric Laws: Genesis and Critiques

2.1 Section 498A IPC, dowry offences and domestic violence

Section 498A IPC criminalises cruelty by the husband or his relatives towards a woman, including conduct likely to drive her to suicide, cause grave injury, or harassment in connection with unlawful dowry demands.⁵ The Dowry Prohibition Act, 1961, as amended, targets the giving, taking and demanding of dowry, while Sections 304B and 306 IPC address dowry death and abetment of suicide.⁶ The Protection of Women from Domestic Violence Act, 2005 (PWDVA) creates a civil-criminal hybrid framework for protection orders, residence orders and maintenance.

These measures were introduced against a backdrop of rising reported dowry deaths and public outrage in the late 1970s and early 1980s; National Crime Records Bureau data⁷ and women’s movement documentation showed patterns of sustained cruelty, economic extraction, and lethal violence within marriage.⁸ The legislative intent was clear: to create a deterrent, victim-centric framework that shifted blame away from women and recognised systemic patriarchal coercion.

2.2 The “misuse” narrative

Over time, narratives of misuse gained traction, particularly around Section 498A. Defence lawyers, some judges, and sections of media reported cases where:

- FIRs contained vague, omnibus allegations implicating every available relative, including distant kin who had little contact with the couple.⁹
- The criminal process was allegedly used as leverage in disputes over divorce, maintenance, property or custody.
- Arrests were made mechanically at the FIR stage, without preliminary scrutiny or application of mind.

The Supreme Court has, in several decisions, accepted that there is a “growing tendency to misuse provisions like Section 498A” even as it warns that such concerns cannot justify diluting protection for genuine victims. Earlier, in *Arnesh Kumar v. State of Bihar*, the Court issued arrest guidelines under Sections 41 and 41A CrPC to prevent automatic arrests in 498A-type cases, emphasising the

⁵ Bharatiya Nyaya Sanhita 2023, ss 85–86.

⁶ Protection of Women from Domestic Violence Act, 2005.

⁷ National Crime Records Bureau, *Crime in India 2024* (Ministry of Home Affairs, Government of India 2025);

⁸ Indian Penal Code 1860, s 498A.

⁹ *Achin Gupta v State of Haryana* 2024 INSC 369, Criminal Appeal No 2379 of 2024 (SC, 3 May 2024).

need for recorded reasons and notices of appearance rather than custodial detention in all cases.¹⁰ Subsequent decisions have cautioned against over-implication of relatives and insisted on credible, specific allegations, especially where accused persons live separately or have minimal contact with the complainant.

However, public discourse has sometimes weaponised the misuse narrative to delegitimise women's complaints as a class, threatening to push the pendulum back towards disbelief and under-protection.¹¹ The challenge is to separate genuine concerns about process abuse from attempts to roll back hard-won protections.

III. Recent Supreme Court Jurisprudence: Balancing Misuse and Protection

This section briefly reviews key strands in recent Supreme Court jurisprudence that illustrate the Court's attempt to police both wrongful criminalisation and the reality of gender-based violence.

3.1 *Dara Lakshmi Narayana v. State of Telangana* (2024)

In *Dara Lakshmi Narayana*, the Supreme Court scrutinised an FIR under Section 498A IPC and allied provisions where a wide circle of in-laws living in different cities had been implicated on general allegations of cruelty. The Court reiterated that Section 498A is meant to address specific acts of cruelty and coercive dowry demands, not to serve as a catch-all for every sour matrimonial relationship. The Court warned that omnibus complaints against distant relatives, without concrete particulars or proof of their participation in the day-to-day life of the couple, constitute abuse of the process, and emphasised that proximity both relational and residential matters. At the same time, it carefully recorded that tightening evidentiary and proximity requirements should not be read as dilution of protection for women, but as a measure to ensure that prosecutions focus on genuine wrongdoers rather than being diluted by over-implication.¹²

3.2 *Achin Gupta v. State of Haryana* (2024)

In *Achin Gupta*, the Supreme Court examined the scope of its inherent powers under Section 482 CrPC in the context of an FIR alleging cruelty, dowry demands and harassment. The allegations against some accused were broad, repetitive and unsupported by contemporaneous material; the Court held that such general, unsubstantiated and possibly mala fide allegations can be quashed at the threshold to prevent abuse of the legal process. However, *Achin Gupta* also reaffirmed that where

¹⁰ *Kans Raj v State of Punjab* (2000) 5 SCC 207.

¹¹ *Preeti Gupta v State of Jharkhand* (2010) 7 SCC 667.

¹² *Dara Lakshmi Narayana and Others v State of Telangana and Another* 2024 INSC 953 (SC).

a woman's allegations are specific, consistent and supported by material, quashing should not be used to shield the powerful from accountability, thereby underlining a filtered-entry approach that distinguishes between genuinely abusive prosecutions and those seeking redress for serious violence.¹³

3.3 Vague allegations and evidentiary thresholds

In 2024–2025, the Court in a series of decisions reiterated that vague or purely omnibus allegations cannot sustain a prima facie case under Section 498A; cruelty must be backed by concrete particulars such as dates, nature of demands, acts of cruelty and link with dowry.¹⁴ At the same time, the Court has issued strong pro-victim pronouncements in grave dowry-death and cruelty cases, reminding that women do not marry to be killed for dowry and criticising a tendency to treat serious allegations lightly.¹⁵

These dual lines of cases show the Court's attempt to guard both sides: raising the evidentiary threshold for prosecution of distant relatives and vague FIRs, while strengthening the response to clearly established, serious violence.¹⁶

IV. Normative Framework: Due Process and Gender Justice

Any reform discussion must be anchored in constitutional values. Articles 14, 15 and 21 of the Constitution guarantee equality before law, non-discrimination (including special provisions for women and children), and the right to life and personal liberty.¹⁷

From a gender-justice perspective, the state has a positive obligation to protect women from violence, including domestic and dowry-related violence, which is widely recognised as a human rights violation. From a due-process perspective, the criminal process must respect the presumption of innocence, prevent arbitrary arrest, and avoid inflicting undue harm on accused persons who may later be acquitted.

Recent Supreme Court jurisprudence reflects an implicit attempt to reconcile these commitments by:

1. Preserving the substantive reach of women-protective laws;

¹³ *Achin Gupta v State of Haryana* 2024 INSC 369, Criminal Appeal No 2379 of 2024 (SC, 3 May 2024).

¹⁴ Pratiksha Baxi, 'Justice is a Secret: Compromise in Rape Trials' (2014) 49(50) *Economic and Political Weekly* 65.

¹⁵ *Id.*

¹⁶ INDIA CONST. arts. 14, 15, 21.

¹⁷ Indira Jaising (ed), *Handbook on Law of Domestic Violence* (Universal Law Publishing 2009).

2. Tightening procedural safeguards against misuse (*Arnesh Kumar* guidelines, scrutiny of omnibus complaints, higher thresholds for distant relatives); and
3. Emphasising evidence-based prosecutions over sentiment-based or media-driven narratives.

This paper builds on that framework to suggest specific legal and institutional reforms.

V. Towards Calibrated Reform: Guarding Both Sides of Justice

5.1 Codified arrest standards and compliance monitoring

While *Arnesh Kumar* laid down important arrest guidelines under Sections 41 and 41A CrPC, compliance on the ground has been uneven; police officers still face pressure to arrest immediately in Section 498A and dowry cases.¹⁸ A first reform is to codify these arrest standards in the CrPC and departmental standing orders, making it explicit that arrest is not mandatory in every 498A/DPA case, especially where the alleged acts are not life-threatening or there is no risk of absconding or evidence tampering.

Police should be required to record brief written reasons for arrest or non-arrest, subject to periodic supervisory review; non-compliance can trigger departmental action and judicial censure.¹⁹ Dedicated audits by State Legal Services Authorities or Women's Commissions could periodically review arrest patterns in 498A/DPA cases to ensure that the guidelines are meaningfully implemented.

5.2 Structured triage and voluntary mediation in appropriate cases

Basically 498-A related complaints are not all identical; they range from severe, life-threatening violence to relationship breakdowns with elements of emotional conflict, economic disputes or miscommunication. A structured triage mechanism at the police or district level could categorise cases into high-risk, moderate-risk and low-risk, with only the last category being considered for voluntary mediation and counselling, subject to the informed consent of the complainant.²⁰

Voluntary mediation and family counselling should never be forced on a woman facing serious violence, but for some couples, especially where both express a desire to explore reconciliation, structured mediation can reduce misuse of the criminal process for leverage; safeguards such as

18 Code of Criminal Procedure 1973, ss 41, 41A and 250.

19 Upendra Baxi, *The Future of Human Rights* (3rd edn, OUP 2008).

20 Paras Diwan, *Family Law* (11th edn, Allahabad Law Agency 2022).

independent counsellors, non-coercive processes and the woman's right to opt out at any time are essential.

5.3 Safeguards against omnibus implication of relatives

Building on *Dara Lakshmi Narayana* and *Achin Gupta*,²¹ criminal procedure could explicitly require greater scrutiny at the stage of cognizance and charge-framing in cases where a large number of relatives are implicated on similar, formulaic allegations, where accused persons live in different cities or have minimal contact with the complainant, or where there is no contemporaneous material suggesting their involvement.

Magistrates and Sessions Judges can be guided, through practice directions, to require the prosecution to demonstrate at least a prima facie factual matrix linking each accused to specific acts of cruelty or dowry demand, rather than treating kinship as sufficient, while remaining conscious that abuse in joint families can involve multiple members and proximity should not become an excuse to exonerate those actually complicit.

5.4 Victim-centred support systems

Concerns about misuse should not overshadow the fact that many genuine victims still struggle to access justice; effective reform must therefore strengthen victim support, including accessible protection officers and one-stop crisis centres, free legal aid with a survivor-centred approach, and witness protection and privacy safeguards in serious dowry-death and cruelty cases.²² Judicial pronouncements emphasising due process for accused must be matched by administrative and budgetary commitments to support systems that help women navigate the process without being re-victimised.²³

5.5 Data-driven law-making and periodic review

There is a striking lack of granular data on how 498A and dowry laws are being used: proportions of FIRs that result in charge-sheets, convictions, compounding or quashing; the share of distant relatives among accused; and the extent of compliance with *Arnesh Kumar* guidelines.²⁴ National Crime Records Bureau statistics and scattered socio-legal studies are insufficient for nuanced law

²¹ Dara Lakshmi Narayana; Achin Gupta, supra note 3.

²² Aparna Chandra and Mrinal Satish, 'Empirical Analysis of Criminal Law Reforms and Gender Justice in India' (2016) 8(2) NUJS Law Review 189.

²³ Id.

²⁴ Kirti Singh, 'Obstacles to Women's Rights in India' (2013) 48(35) *Economic and Political Weekly* 37.

reform.²⁵ An independent body (such as a Law Commission or permanent Criminal Law Review Board) with representation from women's groups, the bar, the bench and criminologists should periodically review this data and recommend fine-tuning—rather than blanket dilution based on empirical evidence.²⁶

5.6 Additional Reforms To Safeguard And Deter Misuse

In addition to the above, three further reforms can both safeguard women and deter deliberate misuse:

1. Penal consequences for demonstrably false, malicious complaints: In rare cases where a complaint is proved, after due process, to be knowingly false and malicious for example, through findings in a final judgment court may invoke existing provisions on false evidence or malicious prosecution, but must apply them sparingly to avoid chilling genuine complaints.
2. Mandatory pre-FIR legal information and counselling: In non-urgent, non-violent situations, police stations could be required to provide standardised legal information leaflets and offer an optional brief counselling session so that complainants understand the implications of criminal proceedings, alternative remedies and evidentiary requirements.
3. Continuous judicial training: Regular judicial education programmes on gender-sensitive judging, trauma-informed approaches and the empirical landscape of misuse and under-reporting can help judges apply safeguards without internalising stereotypes either about “lying women” or “evil in-laws.”

Together with the earlier proposals, these measures can create a system that is more resistant to both under-enforcement and opportunistic misuse.

VI. Conclusion

Women-centric criminal laws in India emerged from a context of pervasive gender-based violence, patriarchal norms and systemic denial of women's experiences; Section 498A IPC, dowry-related offences and domestic-violence provisions remain critical tools in the struggle for gender justice. At the same time, concerns about misuse particularly in the form of omnibus implication, mechanical

²⁵ Law Commission of India, *237th Report on Compounding of (IPC) Offences* (2011).

²⁶ Law Commission of India, *273rd Report on Implementation of Criminal Law Reforms* (2017).

arrests and strategic deployment in matrimonial conflict cannot be dismissed as mere fiction; the Supreme Court's own jurisprudence acknowledges these risks and calls for a serious re-look at how such offences are drafted and applied.

The challenge is to resist both reactionary calls to dilute or repeal protective laws and defensive denial of any misuse. Guarding both sides of justice requires a nuanced approach that protects genuine victims robustly while insulating innocent persons from avoidable criminal-law trauma.

This paper has argued for a reform package grounded in five main pillars: codified arrest standards and compliance monitoring; structured triage and voluntary mediation in appropriate cases; procedural safeguards against omnibus implication; strengthened victim-centred support; and data-driven periodic review supplemented by carefully calibrated sanctions for malicious complaints, pre-FIR legal information, and continuous judicial training.

Such calibrated reforms can help ensure that women-centric laws remain both effective and legitimate, commanding public trust, delivering justice to survivors, and upholding constitutional commitments to equality, dignity and due process. In doing so, the criminal justice system can move closer to truly guarding both sides of justice: protecting women from violence and protecting accused persons from procedural abuse, without sacrificing one at the altar of the other.

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