

SECTION 498A AND DOMESTIC VIOLENCE A TOOL FOR LEGAL EXTORTION

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ABSTRACT

Customs and traditions play an important role in Indian society. Marriage is one of the most popular forms of social media, but it has changed significantly over the years. The Domestic Violence Act and section 498A are designed to ensure that vulnerable people are protected from adverse treatment in the housing sector. In the long run, these regulations are abused and produce many negative consequences. The verification tool was used to withdraw funds. The Supreme Court warned him that this was a "legal offence". Indian society sees women as victims. If a man complains that he is beaten or harassed by his wife at home, it is ignored. Most of them violate fundamental rights. In the series, couples treat their partners physically and emotionally.

According to the Domestic Violence Act and Section 498a of the Indian Penal Code, women have the legal right to have superior Characteristics. This creates a society where men are disenfranchised. This lack of legal protection for men has created a culture of gender inequality and domestic violence. Without legal protection, many Indian men feel helpless and unable to seek help.

This gender inequality is a severe problem that needs to be addressed. Severe changes to the law are required to ensure justice and protect men and their families from violations of their fundamental rights. This Research paper will take a closer look at the Misuse of Domestic

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Violence Act and Section 498A as a tool of coercion for Extortion. Some articles discuss the misuse of Section 498a and the misreportation of domestic violence. This Research paper examines the oppressive legal relationships that lead to torture through an extensive literature review, case studies and interview analysis. It recommends changing these oppressive legal relationships with victims, legal systems, and individuals.

INTRODUCTION

Among the antirevolutionary movements that have taken place in India in the last 20 years, one of the most controversial aspects of women's rights violations is women. Use these rules . The concept of "abuse" began to be discussed between the Supreme Court of Appeals and court officials, civil society, politicians and judges. Four hearts. Specifically, he has been charged with the offence of exception under Sections 498A and 304B of the IPC. Domestic violence and infidelity between spouses and family members can be negative behaviours that often lead to domestic violence through the courts and police, as well as in schools. In 1983, Section 498A of the International Criminal Code and other laws and guidelines were enacted to criminalise it. Domestic violence is organised. Very dangerous. Research and development are urgently needed to supplement existing information on property damage. In today's world, the meaning of marriage and the political relationship between men and women have changed by half; men and women have become more flexible, and wages have increased. Women also abuse their right to defend themselves against inappropriate treatment and abusive behaviour, to run away from their partners or to harm their families.

With the progress of humanity, the evil in this world is spreading daily. Women learn that this workplace is both secretive and irresponsible, allowing men to be imprisoned at women's expense. Due to the victimisation of women, Article 498A was approved in 1983. The operation of Section 498A of the IPC may constitute an offence under the substantive provisions of the Penal Code to cause an obstruction. However, the spread of misinformation and deception involving countless men's relatives and family members has led to a widespread perception that the bridge law is a natural decision for women.

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India has always been a place where culture and traditions are no longer suppressed but are enshrined and celebrated. The concept of marriage has changed dramatically. Hindu marriage is considered dual in nature. This is both a sacrament and a covenant. This creates an unended relationship pathology. Divorce, separation and separation of couples have become common events in society. Every court in the country has become a wedding hall. This situation affected the family lives of many people in the society. In 2005, the Supreme Court of India used the term "legal violence" to describe the abuse of rights. Of the 58 thousand 319 patients registered in India, 10 thousand 491 patients were not prosecuted because they were followed suspiciously. In the same year (2013), 134,757 people were arrested based on 58,319 complaints under Section 498-

A Prohibition and Prohibition. 4,744 defendants over the age of 60 were arrested without verifying the accuracy of the complaints. ²This

While giving its verdict on Article 498a, the Supreme Court cited National Crime Records Bureau (NCRB) data showing that nearly 93 per cent of crimes against women in 2013 were registered under Article 498a. Of these, only 15% of people were convicted³. More importantly, the country has recorded 13,479 cases under the Dowry Prohibition Act, of which over 1,40,000 have been classified as "abuse by husband or relatives" (IPC Section 498A); The report stated that there is a major development in 2022⁴. According to the Indian Penal Code (IPC), most of the crimes committed against women involved "violence from husbands or relatives" (31.4%), and the concept of dowry, which is very popular in India, was one of them. The word "Dowry" is defined in Section 21 of the Dowry Prohibition Act, 1961. Article 498-A was enacted because all kinds of violence against married women, which is a serious problem in the country, must be controlled. It is an important fact that greed for gifts and the fact of dowry as an institution lie at the root of the crime in this section. This section is designed to prevent women from harming their husbands and family members. The temple was created to protect women from oppression and abuse. But judging by the current situation, the law has turned into a complete disaster for people. Now, instead of being a "shield", this feature

²Savitri Devi. vs Ramesh Chand AndOrs Retrieved from <https://indiankanoon.org/doc/11307>, 2013.

³[2] Misuse of Section 498A: A reality check. Retrieved from Retrieved from <http://www.deccanherald.com/content/470904/misusesection-498a-reality-check.html>.

⁴[3]<https://www.newsclick.in/crime-against-women-india-4-ncrb-report-2023>

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is used by women as a "tool" to intimidate and harass men for the sake of personal satisfaction and gain. So, it can be said that Article 498A is used as a weapon by women who use the provisions of that article only for their own interests.

UNDERSTANDING SECTION 498A AND DOMESTIC VIOLENCE

Section 498A of the Indian Penal Code (IPC) deals with violence against a married woman by her husband or relatives. This chapter is presented to address the issue of economic violence and violence against women in India. The following are the content and purpose of Section 498A:

Definition of Violence: Section 498A defines violence as an act intended to induce the woman to kill a person or cause serious injury or danger to life or limb. Or women's health (mental or physical). This includes physical and emotional abuse.

Applicability: This section applies to married women whom their spouses or relatives abuse. It is gender-specific and concerns crimes against women.

The word cruelty has a broad meaning and includes acts of violence that cause physical or mental harm to a woman's body or health and force her close relatives to do something. Crime. Applications are designed to protect a product or value.

This article is about death threats due to dowry. This is guaranteed by law in the Civil Rights Act 1983 (Act 46 of 1983). Under the same law, Section 113A was added to the Indian Evidence Act to strengthen the presumption of suicide by a married woman. I.P.C. The main purpose of Section 498-

A is to protect women who are subjected to violence by their husbands or husband's relatives.

While dowry bullying falls within the scope of the second half of the article, creating conditions that will encourage women to commit suicide is also one of the "bad" issues. The law says that if a woman is abused by her husband or her husband's relatives, she can be imprisoned for up to three years and fined. Offences under Section 498A are cognisable, specific and non-committal.

Legal Framework :

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a. Punishment: The punishment for assaulting a married woman under Article 498A is imprisonment of up to three years and a fine. Additionally, the crime is known, uninsured, and not covered.

b. Scope of relatives: This section defines "relatives" broadly to include not only the husband's immediate family but also distant relatives who may have been involved in abuse against the woman.

c. Legal Procedure: The law allows victims or their relatives to register an FIR

(First Information Report), which will lead to investigation and prosecution.

The DV Act provides the first definition of "domestic violence" in Indian law. This definition is quite broad and covers not only physical abuse but also other forms of abuse, such as mental and emotional abuse. This is civil law, not criminal law, which deals with protective orders. Primarily designed to protect women from domestic violence committed by them or their female partners, husbands, male partners or relatives, the law also protects women in the family, such as sisters, widows or mothers. Domestic violence in the law includes physical, sexual, verbal, emotional or financial abuse or exploitation of violence. The term also includes harassment through illegal dowry demands from women or their relatives.

Critical points of the Domestic Violence Act:

- damages or jeopardises the well-being, life or limb of a blamed individual, either mentally or physically, comprising the cause of physical violence, verbal and emotional sexual abuses and financial abuses;
- Harasses, harms or threat the individual being mistreated to coerce him or any personal her to meet any illegal demand for dowry, money or other valuable properties or safety;
- the effect of any behaviour referred to in clauses (a) or clauses (b) threatening the aggrieved or any individual associated with him; or
- Injure or hurt the accused individual, be it physically or mentally.

THE EXTENT OF MISUSE

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A criminal offence involving cruelty by a husband or relative to a married woman is specified in section 498A of the Indian Penal Code and Domestic Violence. The law was enacted to protect married women from dowry harassment and cruelty. However, concerns have been raised regarding its potential misuse over time.

Under this section, it is possible to make false accusations. The fact that it is not bailable and characterised by a presumption of guilt upon arrest has made some individuals, both men and women, misuse it for personal gain or to gain an edge in matrimonial disputes.

A lack of proper investigation and evidence gathering can lead to undue harassment for the accused and their families if arrests are made without adequate investigation. In certain circumstances, the presumption of guilt can be exploited because the burden of proof shifts to the accused upon arrest.

It is common for Section 498A and Domestic Violence to be used as leverage in matrimonial disputes to compel settlements, regardless of whether the charges are valid.

A significant burden has been placed on the legal system as a result of the widespread misuse of Section 498A and Domestic Violence, with many cases clogging courts and diverting resources from cases of domestic violence.

There can be severe consequences for families if false allegations are made under Section 498A and Domestic Violence, including social stigma, reputational damage, and financial strain due to legal expenses and potential job loss.

It has been suggested that safeguards be established to prevent the misuse of Section 498A and Domestic Violence. These include preliminary investigations before arrests and harsh penalties



for false.

Accusations and assistance for resolving marital disputes amicably through counselling and mediation. Cases registered under Section 498-A have a low conviction⁵ rate for a variety of reasons applicable against the husband and relatives of the husband, and the term “cruelty “ needs to be defined in more precise terms so that the ambiguity is resolved as it is often challenging to prove physical and mental cruelty.

Furthermore, the low conviction rate can also be attributed to the misuse of the law. However, there is no conclusive evidence other than the fact that it is necessary to understand the reason.

Considering the evidence necessary for the Court to render justice and that the crime was committed within the matrimonial house, the conviction rate is meagre.

High Court of the Union of India had 44946 cases of 498a in the year 2020-2024, while in the same period, there were 5143 cases under a petition of Quash dismissed or quashed based on mutual Settlement.⁶

OPPRESSED OR FAKE FEMINISM

Indian Penal Code and Domestic Violence Section 498A deals with the offence involving violence against a woman by her husband or relatives. The law was created to protect married women from harassment and abuse. However, over time, concerns have been raised about the potential for abuse.

Unfounded claims may be made in this section. Having no responsibilities and feeling guilty when caught has caused some people, men and women, to harm themselves or achieve good results in marriage.

No Reasonable Rights If an arrest is not made without investigating, investigating and collecting evidence, it will harass the accused and his family. In some cases, the presumption of guilt can be used because the burden of proof shifts to the defendant after an arrest.

⁵NCRB report 2018- Crime against women in India

⁶High court Judgement search

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Section 498A and domestic violence are often used as arguments to force a decision in marriage, even if the allegations are valid.

The widespread abuse of section 498A and domestic violence has burdened the judiciary, overburdened the courts and diverted resources from the institution.

If there is a false allegation under Section 498A and domestic violence, there can be severe consequences for families, including stigma, damaged reputation, legal fees and financial stress from unemployment.

It has been argued that protection should be provided against the abuse of Article 498A and domestic violence. These include conducting preliminary investigations before the arrest, imposing hefty fines for false accusations, and helping resolve marital disputes through counselling and mediation.

Applicability to the husband and the husband's relatives and the necessity of the word "cruelty" Since physical and mental violence is often difficult to prove, the terms need to be clearly defined to eliminate confusion.

2. Low verdicts may also be considered illegal use, but there is no clear evidence beyond what is needed to understand why. iii. Very few convictions are made based on the evidence the courts need to do justice and the fact that the crime was committed in the marital home.

Forty-four thousand nine hundred forty-six cases in the Union Supreme Court of India, including 498a 2020-2024 and 5143 cases, have also been rejected or dismissed due to mediation based on the Quash application.⁷

Factors influencing Misuse:

1. Illegality and Confusion: Article 498A and the Constitution Protect Women from Harassment and Exploitation. However, the fact that these laws are wide-ranging and open to interpretation can lead to abuse. The lack of clear definitions and standards for harassment or abuse makes it easy for offenders to file complaints.

2. Social Norms and Gender Dynamics: In many societies, women are victims of marriage. This s

⁷Judgement search on 498a

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ocial injustice can undermine the credibility of the accused. This makes it easier for false accusers to manipulate the legal process to gain identity.

3. Financial Exploitation: Extortion through false accusations of harassment or domestic violence can be financially painful. The plaintiff may seek progress in the divorce case, receive money or property from the defendant, or obtain consent by threatening to file a lawsuit.

4. Family and Marital Disputes: Domestic disputes, marital disputes, and disputes over property or custody can lead to accusations, lies, and accusations of domestic violence and abuse. In these disputes, these claims can be used to gain advantage or take revenge on others.

5. Lack of Due Process for Allegations: In most cases, the response to people making complaints about domestic or domestic violence is minimal. The burden of proof often falls on the defendant, so even if the claim is made, it can be difficult to refute. This lack of accountability can encourage false accusers to use the law to gain identity.

6. Instigation by family and community: Women may be provoked by their family or community to complain about domestic violence or harassment, especially their relatives, who may ask for money to be received by the victim as a grant or gift and paid in the form of jewellery. From now on, women will also be among them.

7. Extramarital Affairs: In some cases, spouses involved in extramarital affairs may use false allegations of domestic violence or child abuse to manipulate or control their couple. They may create blame or be moved by injustice to justify their behaviour.

8. Financial stress and low income: Financial stress and low income can create stress and tension in a marriage, leading to conflicts. If the woman has committed a crime against her husband and caused fraud and domestic violence in Article 498a

9. Stigma and Concerns: Even if women earn more, expectations and traditions regarding gender roles and family success will continue. An obstacle that is difficult for him. She may be judged or scrutinised for not conforming to traditional gender norms, which can lead to falsely manifested feelings of inadequacy or resentment.

10. Implications for the feminist movement: Since India is a traditional country, it has a semi-nuclear family structure. In most cases, parents live with the parents or play an essential role in their marriage. Today, there is a story about the

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wrong grandparents. It is easier for a woman who does not like interference or wants to end the relationship to blame her mother-in-law and other relatives for not taking her side and putting the wrong part of Article 498a on her. Fake Feminist Fake Section 498a is a law in India that some people often use to impersonate their wives (like mother-in-law) during harassment and abuse. This illegal application of the law further compounds the real-life problems of domestic violence and undermines efforts to achieve gender equality.

11. Emotional or psychological problems: Regardless of financial situation, people may experience emotional or psychological issues that affect their behaviour. Factors such as jealousy, indifference, or psychological problems may cause a person to lie about domestic violence.

TOOL OF EXTORTION

In domestic violence, some laws in Article 498a state that money is needed as a remedy to be exempt from mediation, payment, and payment. Usually, the price is expected to be higher than the man's annual income. Society forces her to compromise;

Even when the agreement is over, victims of fake cases are subjected to society as criminals when women ask them not to receive even a penny.

Women are oppressed by the law, including sexual abuse and financial exploitation. Although the majority of victims are women, the number of innocent men is decreasing due to false accusations made against them. Indian women are making false accusations after feeling slighted following their marriage divorce. The law and the judiciary have no protection for men against such accusations, which pushes them to extreme measures such as suicide.

Women are forced by their husbands to earn money in many ways. For some women, the purpose of blackmail is to make money. A divorced woman has the right to live in her own home. Under the Marriage Reform Act (2000), highly educated women hide their employment status and continue to claim benefits. If a woman cannot receive money from her husband, she will be punished.

Rashida v. Asif and Ors. Copy of Court Order 3/326/09 A woman is accused of trying to harm a husband and wife by falsely claiming she was abused even though it was domestic violence. The

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woman is accused of lying to her wife on various charges to hide important details and harm the husband and wife. The complaining woman was fined Rs 1,000 for misbehaving with her husband and taking advantage of the law. In addition to her good behaviour, the disgruntled wife was unfairly punished by the husband and wife for inappropriate spending of money.

The number of petitions for quashing Section 498a of the FIR has increased significantly in recent years, and therefore, writ petitions have been filed in the country's high courts. However, most of these cases are prosecuted only after a settlement is reached. They were successfully suspended after women extorted money with the help of pretences; below is a data reference from the High Court of India.⁸

Section 498a Quash and Settled.		
Court Room	2020-2024	2015-2020
High Court of Kerala	1350	1506
Allahabad High Court	962	108
High Court of Karnataka	777	502
High Court of Punjab and Haryana	630	348
High Court of Delhi	449	2776
Bombay High Court	234	322
High Court of Himachal Pradesh	142	129
High Court of Rajasthan	97	97
Calcutta High Court	91	0
High Court of Chhattisgarh	69	56
High Court of Gujarat	66	18

⁸High Court Judgement search

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High Court of Jharkhand	61	13
High Court of Madhya Pradesh	45	29
High Court for State of Telangana	42	49
High Court of Jammu and Kashmir	26	6
Madras High Court	26	34
High Court of Uttarakhand	22	91
High Court of Andhra Pradesh	20	1
Patna High Court	19	45
Gauhati High Court	13	7
High Court of Orissa	6	5
High Court of Meghalaya	2	3
High Court of Manipur	1	0
High Court of Tripura	1	3
	5151	6148

The case law deals with the case of NIKHIL KAPOOR and ORS V. Non-Delhi State and ANR. CRL.M.C. 1776/2024⁹, case FIR vide 498A/406/34 is a petition for quashing of IPC and also, the case was fixed and awarded for Rs.19,00,000 - no child at that time and the spouse is independent.

VASTAV Foundation's Investigation on Improper Use of 498A¹⁰:

Arnesh Kumar The fact that the decision was given on July 2, 2014, and the problems have decreased since then shows that the intention was not to support the woman but to harass the husband

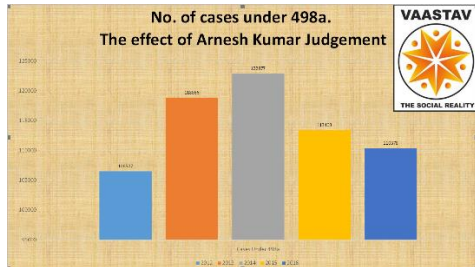
⁹NIKHIL KAPOOR and ORS V. Non-Delhi State and ANR. CRL.M.C. 1776/2024

¹⁰ <https://vaastav.org/2017/12/ncrb-data-on-498a-2016/>

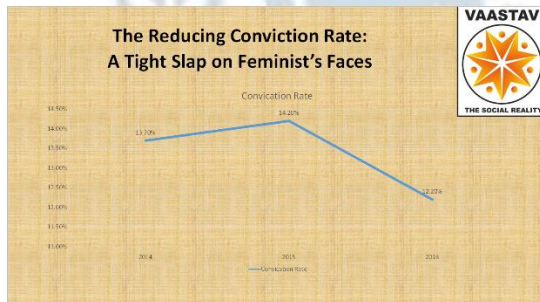
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and extort money. His family was immediately arrested. Once the situation is stopped, women will have no interest in filing Form 498a because it no longer serves their purpose of extorting money.



In 2015, the conviction rate was 14.20% of all cases filed under 498a and now, thanks to the support and work of men's rights NGOs such as the Vaastav Foundation, the conviction rate has dropped to 12.20% in 2016.



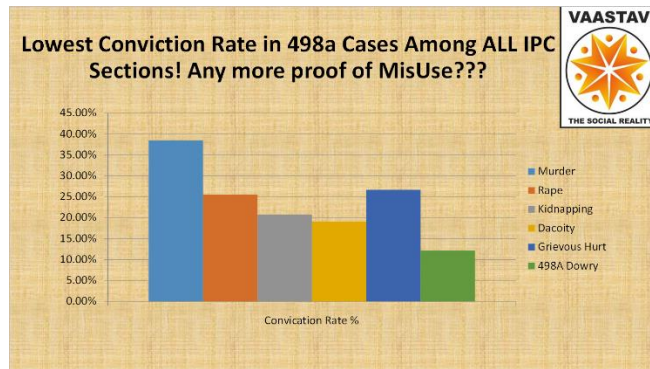
There have been 22 thousand 347 false incidents in the last three years, but is action taken against the woman who reported false information?



There is also some evidence of misuse of 498A

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CASE LAW & INTERVIEW`S

Jurisprudence: ARNESH KUMAR V. STATE OF BIHAR (2014) 8 SCC 273¹¹

In this judgment, the Supreme Court of India expressed concern about misusing Section 498A of the IPC. Courts often recognise that innocent family members are involved in cases with insufficient evidence. The court said the police should investigate thoroughly before arresting and should not harm the accused.

2. ***Lalita Kumari v. UP Government and Or. (2014)*** AIR 2014 SUPREME COURT 187, 2013¹²

In this case, the Supreme Court of India reiterated the importance of pre-trial investigation before arrest under Section 498A of the IPC. The court decided to conduct a preliminary investigation into crimes requiring a prison sentence of more than seven years. The purpose of the decision is to prevent arrest and ensure a fair investigation.

3. Satish Bhaskarrao Patil v. State of Maharashtra and Anr. (2015)¹³:

In this case, the Bombay High Court issued an FIR against the husband and his family under Section 498A of the IPC. The court found the charges were reasonable, and there was not much evidence.

The Essence of Compliance

Disagreement: The language and interpretation of domestic violence laws and IPC Section 498A can be vague and open to manipulation. This confusion allows people to use the law for personal

¹¹ ARNESH KUMAR V. STATE OF BIHAR (2014) 8 SCC 273

¹² ***Lalita Kumari v. UP Government and Or. (2014)*** AIR 2014 SUPREME COURT 187, 2013

¹³ Satish Bhaskarrao Patil v. State of Maharashtra and Anr. (2015) WP

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gain by making false claims.

Social Stigma and Oppression: In many cases, relationships, especially between caregivers, can lead to false accusations of domestic violence and child abuse. Due to domestic discord, marital discord or financial problems, women may face pressure from family members or society to report their complaints, even if these complaints are not valid.

Financial considerations: One of the main reasons for abusing these rights is the opportunity to raise money. Domestic violence or false allegations of domestic violence may be used as a means of blackmail during divorce proceedings or to extort money and property from the defendant.

No Liability: People who make false allegations of domestic violence or child abuse often have little liability. The law will not punish those who abuse these laws and will not have any effect on false statements.

Limited legal protection for defendants: Defendants often face social and legal challenges defending themselves against false accusations. The burden of proof usually falls on them, and due to the nature of these cases, it can be difficult for them to gather evidence against the accusations.

JUDICIAL DELAYS: Trials involving domestic violence and harassment cases can take a long time, causing significant stress and financial costs for the defendant. This delayed action will be used by criminals to harass the defendant and extort money from him.

Inadequate support services: Limited support services may be available for people accused of domestic violence or harassment. Lack of support can put more pressure on defendants and increase their vulnerability to pressure.

Interview of Advocate:

Name: ADV.Sachin Agrawal. LLB.LLM(Gujrat High Court)

1. I have been specialising in cases related to domestic violence and Section 498A of the Indian Penal Code.
2. The main challenges I encounter in advocating for victims of domestic violence and 498A include societal stigma, lack of legal awareness, difficulty in gathering evidence, Fake cases by the girl side,

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3. Gathering evidence and ensuring victims' safety during legal proceedings and 498A cases can be challenging due to intimidation from the accused, lack of cooperation from witnesses,
4. It's difficult to ascertain an exact percentage, but based on my experience, I believe that a certain proportion of domestic violence cases and 498A cases are indeed false. However, it's essential to approach each case objectively and consider the evidence.(But still, I will say 55% are fake)
5. Factors that make me suspicious of a potential fake domestic violence case and 498A include inconsistencies in the victim's statements, lack of corroborating evidence, and motives that seem unrelated to genuine concerns about safety.
6. Victims of fake domestic violence cases and 498A often face challenges such as damage to their reputation, financial strain due to legal expenses, and emotional distress resulting from false accusations.
7. To safeguard the rights and interests of genuine victims, measures such as providing access to legal aid, training law enforcement personnel to handle cases sensitively, and implementing stricter penalties for false accusations can be helpful.
8. Relatives who are falsely charged with domestic violence and 498A also suffer significant consequences, including damage to their reputation, emotional distress, and financial strain due to legal expenses. Providing support and legal assistance to them is crucial in such cases.

❖ **Name – Adv. Ashwini Anant Purav (Bombay High Court)**

1.Please briefly describe your background and expertise in domestic violence and 498a.

- I have been practising as an advocate for the last 16 years. I have experience with domestic violence for the previous five years, handling matters of domestic violence. The experience is not that much good. The significant courts are not passing orders immediately; hence, the applications suffer a lot of the same experience in 498-a. The public prosecutors are not ready to move forward, so the matters have been pending for many years. Those who are

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aggrieved and suffering mentally, physically, and economically are sufferers and do not get justice immediately.

2.What are the main challenges you encounter in advocating for victims of domestic violence and 498a?

- As I move maintenance applications for the victims due to their financial conditions, at least they get bread and buffer. I also tried to tender to submit evidence so that the victims get justice in her favour, and if children are there, I specially request mediation to reconcile the dispute.

3.What challenges do you face in gathering evidence and ensuring victims' safety during legal proceedings and 498a?

- I have faced while gathering evidence times victims have not filed N.C. or no report was submitted by a preceding officer at that time to prove the violation was brutal. Also, the domestic incidents were not recorded, and evidence was often improper. No N.C. was filed, no recordings of messages, etc., but as per the Domestic Violence Act, I tried to collect and take all evidence and prove it before the safety of the victims during the legal proceeding of 498a. The act ensures women's right to reside in their marital homes. This act has civil and criminal provisions, and victims can get immediate civil remedies within 60 days. Aggrieved women can file a case under this act against any adult perpetrator who is in a domestic relationship with her. Ensure proper to reside under sec -17. Ensures economic relief by recognising economic violence. Recognises verbal and emotional abuse and provides temporary custody of the child. Judgement within 60 days of filing the case, multiple judgements in a single case.

4 In your experience, what percentage do you believe are fake domestic violence cases and 498a

- I think that more than 60% of domestic violence and 498A cases are fake.

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5. What factors make you suspicious of a potential fake domestic violence case and 498a?

- The collection of evidence against the charges mainly includes call records, emails, photographs, and statements from neighbours and the wife. The applicant has moved out of the matrimonial house without any valid reasons. It will make suspicious of a potential fake domestic violence case and 498A.

6. What are the main challenges faced by victims of fake domestic violence cases and 498a?

- The main challenges faced by victims of fake domestic violence are under

If the victim has not proven the violation

- No N.C. or any complaint filed by her
- No adult male respondent made the party
- In her fake domestic case, incidents are not recorded, and any dates not mentioned
- No cruelty or any domestic violence was shown in his evidence.
- The victim, an aggrieved person, claimed no relief.
- No recording calls, messages, or any other document evidence provided

7. What measures can be taken to safeguard the rights and interests of genuine victims of domestic violence and 498a?

- Measures can be taken to protect the rights and interests of genuine victims of domestic violence, and 498A are as under
 - Immediately file N.C. / complaint against the husband and all married people
 - Advice not to live in a matrimonial house
 - Section-12 application should be moved for interim relief of domestic violence is a pattern of coercive control that one person exercises or another abuser uses physical and sexual violence. Threats, emotional insults, and economic deprivation as a way to dominate their victims and get their way.

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- As per report, 85% of all violent crimes experienced by women are cases of intimate patterns of violence

8. What are the effects on relatives who are charged with fake domestic violence and 498a?

- If a fake case of D.V. was filed, then the deformation of the married person took place. Also, the peace of the marital home was disturbing. Matrimonial people never believed in the applicant due to fake domestic violence cases, and they will not enter the applicant forever. Without evidence and valid reason, a domestic violence case is not filed.

VIOLATION OF FUNDAMENTAL RIGHTS

Article 14 prohibits the State from having in the territory of India a person entitled to equal rights or protection before the law. Article 15 of the Constitution prohibits discrimination based on race, religion, nationality, gender or place of birth. Article 19(1) guarantees all citizens freedom of speech and expression. Article 21 states that no one may be deprived of life or personal liberty except by the law. This means the right to freely express one's beliefs and opinions through speech, writing, print, photography and other means. In recent years, most rights have been transformed into human rights, especially equality (Article 14), freedom of speech and expression (Article 19(1)a) and life and liberty (Article 21). It was considered a good thing. Article 21 covers many essential rights, including the right to dignity, freedom of speech and expression, the right not to be tortured, and the right to legal assistance. However, many laws, such as 498a and the Domestic Violence Act, interfere with these rights. It has been reported that Article 498A of the T MK has been abused and made excessively strict by prohibiting usury.

These laws have become a significant obstacle to a healthy life. This situation leads to many innocent people being imprisoned under false conditions and forced to receive alimony within the framework of the law, resulting in a substantial moral and financial burden. There is a need to reform laws that protect human rights.

Relatives' screams and feelings of guilt in the Fake Case:

Today, the Fake Section 498a is sold in packs of five. The impact of this case concerns not individuals but the entire group (spouse and family). Some people are far away but are involved in pur

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chasing fake products, causing them trouble. Married couples are sued, their married lives are in danger, and their relatives face the same financial and social problems. However, although the family's issues are solved with the rapidly increasing alimony of the couple's marriage today, there is no solution to the crime committed by the relatives. "They may go to jail, but they can't talk because the problem is marriage." This situation causes relatives, who are already exposed to false accusations, to feel unfair and helpless. We need to raise awareness and implement stricter measures against false statements. To prevent victims from committing further crimes.

What if someone is lying?

Impact on Victim of Fake Case

1. **Bad relationships:** False statements can make or break family relationships. Relatives may feel betrayed or abandoned by the accused, resulting in separation and isolation that are difficult to correct even after the accusation is proven false.
2. **Impact on work and employment:** The stigma of being falsely accused of domestic violence or abuse can affect a relative's job and employment opportunities. They may experience discrimination or injustice at work, resulting in job loss, career problems, or damage to their reputation.
3. **Legal consequences:** In some cases, relatives of the defendant may be subject to legal punishment such as arrest, imprisonment or restraining order, which can lead to more severe injuries and stress they face.
4. **Emotional abuse:** False allegations of domestic violence can seriously injure the defendant. They may experience disappointment, doubt, anger, shame, and betrayal. The stigma that comes with being accused of a serious crime can lead to anxiety, depression and other mental health problems.
5. **Damage to reputation:** False allegations can damage the defendant's reputation and standing in society, the workplace, and culture. Even if the accusation is not valid, the damage to their reputation can be irreparable and affect them personally and socially.

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6. **Social Ostracism:** Suspects may face social ostracism and conflict from friends, family, and acquaintances who believe in false claims. This separation can lead to feelings of loneliness, shame, and conflict, leading to increased stress brought on by the accusations.
7. **Legal and Financial:** Defending against false accusations can be costly because the defendant may incur significant legal fees and expenses concerning legal proceedings, investigative findings, and other legal proceedings. The legal process can be long, complicated and emotionally draining, and compensation can increase the financial burden.
8. **Disappointment and relationships:** false accusation can strain or destroy an individual's viewpoint, and he can lose trust in people, which leads to an impact in moving on an individual.
9. **Impact on employment and employment:** Condemnation of false allegations of domestic violence or abuse may impact the defendant's employment and employment opportunities. They may experience discrimination or injustice at work, resulting in job loss, career problems, or damage to their reputation.
10. **Longterm trauma and impact:** Even if false statements are accepted or rejected, mental and emotional damage can be longlasting. Defendants may struggle with disbelief, trauma, and PTSDlike symptoms that impact their ability to form and maintain relationships in the future.

What needs to be done if you face a Fake case of Section 498a and the Domestic Violence Act

1. **Stay calm and collected:** Feeling surprised, angry, or upset is _____ expected after being accused of a crime. However, it is essential to remain calm and composed because negative thoughts can make the situation worse
2. **Find a Lawyer:** The first step is to consult a competent, experienced attorney specialising in criminal defence or family law. An attorney can provide legal guidance, advise on the best course of action, and represent defendants in court. Get a copy of FIR and provide the necessary documents for applying for interim bail

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3. **Collect Evidence:** Collect evidence that disproves the lie, including references, contact records (such as emails, text messages, or phone calls), documentary money, or other relevant evidence that supports your innocence.
4. **All records:** Keep detailed records of all interactions with the defendant, including dates, times, and descriptions of events. Document any incidents of harassment, intimidation, or coercion by the plaintiff or his associates.
5. **Cooperate with Law Enforcement:** Cooperate with law enforcement and comply with all court orders and directives. He/she must provide true and accurate information when necessary and not conceal evidence or interfere with the trial.
6. **Protect your rights:** Protect your rights throughout the legal system, including the right to an arbitral award, a fair trial, and the right to present evidence in your defence. Please do not hesitate to exercise these rights and defend yourself during legal proceedings.
7. **Seeking support:** Dealing with false positives can be emotionally and mentally challenging. Seek support from trusted friends, family or support groups who can provide support, understanding and advice during this difficult time.
8. **Consider legal action:** If these allegations cause severe harm or harm, you may consider taking legal action against the plaintiff for defamation, malicious prosecution, or other legal charges. Talk to your attorney to explore your options in this matter. Can seek quashing in High Court under Sections 156 of IPC, 120B (Criminal Conspiracy), 191 (False Evidence), 197 (False Evidence), 499/500 (Defamation), 420 (forgery), Section 482 of CPC by submitting false information under Section 9 Damages, 468, 471,474 etc.
9. **Explore mediation or alternative dispute resolution:** In some cases, mediation or alternative dispute resolution may provide a more effective and cost-effective way to resolve the matter without litigation. Discuss these options with your attorney to determine whether they suit your situation. Remember, this is the most sought-after area of the force.
11. **Be patient and persevere:** The case can be long and complicated, so be patient and persistent in your pursuit of justice. Wait for the legal process to prove your innocence and continue to

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defend yourself. Can prevent misuse of 498A. The Indian government and laws still have strategies to protect women and ignore men's rights. Righteousness triumphs over injustice. For this purpose, those whose reputations were damaged by false statements resorted to various legal remedies and requested protection under Article 498A of the TMK. The details are as follows:

The husband can file a complaint under Section 500 of the Indian Penal Code; her husband suffered. The family was accused of not being charged with violence and torture; Article 182 of the TMK is one of the measures to prevent the use of false information, 498A. If the authorities suspect that the average has been miscalculated, the umpire can be sentenced to six months' imprisonment, a fine, or both under Section 182 of the IPC. A lawsuit will be filed against this person for providing false information and making false statements.

RECOMMENDATIONS

Following amendment treatment and prevention is essential to prevent abuse of the Home Rules Code and Section 498A. Some of the findings are as follows:

1. Education and Awareness: It is essential to raise awareness and educate people about the true purpose of these laws. This can be done through awareness campaigns, education and community networking.
2. Strengthening legal frameworks: Strengthening existing legal frameworks, such as stricter penalties for misinformation, can help reduce misuse of these apps.
3. Support and Assistance: It is essential to provide support and counselling to victims of domestic violence. These services can help them make decisions, understand their rights and find help.
4. Cooperation and Cooperation: Promoting collaboration between law enforcement, attorneys, and nongovernmental organisations can help detect and resolve these abuses.
5. Media and Public Awareness: The media plays a vital role in raising awareness of these violations and informing defendants and victims of the consequences.

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CONCLUSION

The Domestic Violence Act and Section 498A pose a severe problem for the law and society as a whole. This problem must be resolved through reform and protection to ensure justice, protect real victims, and prevent abuse of these rights. By implementing these measures, we can work to create a safe and fair environment for everyone.

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