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Legal Framework Addressing Male Harassment in Matrimonial Cases

Akash¹, Ravindra Kumar Raj², Kuldeep Singh³

¹One Year LL.M. (2024-2025), School of Legal Studies, Babasaheb Bhimrao Ambedkar University, Lucknow.

²One Year LL.M. (2024-2025), School of Legal Studies, Babasaheb Bhimrao Ambedkar University, Lucknow.

³One Year LL.M. (2024-2025), School of Legal Studies, Babasaheb Bhimrao Ambedkar University, Lucknow.

"This research article investigates the developing legal debate on male harassment in Indian divorce proceedings. Strong, gender-specific legislation such as Section 498A of the Indian Penal Code and the Protection of Women from Domestic Violence Act, 2005 has resulted from historically emphasizing matrimonial laws' protection of women from domestic abuse, dowry-related violence, and financial abandonment. But mounting cases of law abuse have sparked questions about the absence of protections for men wrongly linked to marital conflicts. Aiming at guaranteeing gender-neutral justice, the chapter critically looks at court interpretations, case laws, and changing legal framework. It also emphasizes the psychological and social consequences of false accusations, the lack of equal protections for males, and the necessity of legislative changes to stop abuse without thus compromising appropriate rights for women. The discussion of matrimonial conflicts has evolved recently to acknowledge that both men and women can be exposed to harassment and emotional suffering inside a marriage. Although the Indian legal system has made great progress in protecting women against domestic violence, dowry harassment, and abandonment, it has mainly ignored the possible abuse of these rules and the resultant effect on men. Laws such as Section 498A of the Indian Penal Code and the Protection of Women from Domestic Violence Act, 2005 have an unbalanced character that has resulted in an increasing body of evidence and public concern stressing false accusations, misuse of legal tools, and harassment of not only spouses but also their families.

This article looks at the legal protections of males in married affairs lack, examines the court's reaction to charges of male harassment, and evaluates the necessity of more gender-neutral laws. It makes case for a more fair and reasonable legal system by referencing historic rulings, legislative trends, and international analogues. The goal is not to discredit sincere allegations of abuse by women but rather to make sure the law does not turn into a weapon for pointless or vengeful litigation."

1. HISTORICAL OVERVIEW OF MATRIMONIAL LAWS IN INDIA

Reflecting the changing social, political, and cultural scene of India, the marriage law system has seen notable evolution throughout the years. The necessity to guarantee fairness in family relationships and correct gender imbalance has driven mainly the path from religiously controlled personal laws to codified civil legislation. Protecting women who have historically suffered social subordination and legal neglect in the institution of marriage has been central to this evolution. Matrimonial law reform's path in India is so closely entwined with the larger fight for social justice and women's rights.

Protective laws for women in India started to evolve in response to the pervasive and systematic mistreatment experienced in homes. Traditionally, women were constrained by patriarchal conventions and frequently suffered physical, emotional, and financial mistreatment in marriage. Their lack of property rights, poor access to education, and financial reliance on their husbands and in-laws all compounded this vulnerability. Particularly among Hindus, legislators deliberately worked to change the personal rules controlling marriage, divorce, maintenance, and inheritance once India acquired freedom in 1947. This led to the Hindu Marriage Act, 1955, which provided some relief to women caught in violent marriages by introducing, for the first time, codified legal grounds for divorce including cruelty, abandonment, and adultery.

For many women, especially with regard to dowry-related harassment and domestic abuse, the reality stayed bleak notwithstanding such reforms. Growing public awareness and media coverage of dowry murders and bride-burning events in the 1970s and 1980s made it clear that current legal systems were insufficient to shield women from abuse at hands of their spouses and in-law. Reacting to this pressing social concern, the Indian Parliament adopted Section 498A of the Indian Penal Code in 1983, therefore rendering cruelty against a married woman by her husband or his relative a cognizable and non-bailable offence. This clause was special in that it not only acknowledged emotional abuse and mental harassment as types of cruelty but also let the accused be immediately arrested without any preliminary inquiry - a step meant to discourage abuse including dowry demands.

Subsequently, the Dowry Prohibition Act, 1961, which had been mainly useless in reducing dowry customs, was changed in later years to improve its application. Penalties became more severe, and the definition of what a dowry comprised grew wider. Still, the most thorough piece of protective law arrived much later when the Protection of Women from Domestic Violence Act (PWDVA), 2005 was passed. With its wide definition of domestic violence - physical, sexual, emotional, verbal, and financial abuse as this civil statute was revolutionary. Recognizing the need to assist women outside the simple punitive framework of criminal law, the PWDVA also included clauses for residence orders, protection orders, and monetary remedies.

These legislative benchmarks highlight the Indian state's dedication to tackling gender-based violence inside the private domain of the house, a place long free from legislative scrutiny. These statutes sought to empower women to oppose systematic oppression and seek justice by giving them legal redress against marital violence and economic exploitation. Though these changes were clearly beneficial and essential, they were also created within a gender-specific perspective that assumed women to be the only or main victims in married relationships.

The gender-specific focus and its justification have to be comprehended in the socio-cultural setting of India's very patriarchal society. Women's tasks were mostly limited to domestic chores for millennia; their legal identities were generally absorbed under that of their male guardians (fathers) before marriage and husbands later. Laws were consequently written with a protective bias in favor of women to offset the great societal drawbacks they encountered. This method tried to correct decades of gender inequality by enacting particular protections for women in the home environment, therefore acting both strategically and morally. Men were assumed to be less likely to be victims and more likely to be abusers in married couples because of their more social and economic authority.

Statutes such as Section 498A IPC and PWDVA were thus clearly meant to combat violence "against women", with minimal thought given to men who might be similarly offended. This inequality was justified by the awareness of women's disproportionate vulnerability in marriage, where they frequently lacked control over mobility, money, even reproductive decisions. The court further backed this justification by underlining the importance of liberal interpretation of such regulations in favor of women, particularly in the early years of their adoption. Courts underlined the need of seeing these clauses as weapons of social reform instead of only as means of criminal justice.

Still, this gender-specific legal strategy started to show flaws over time. Though these rules were essential for safeguarding real victims, it was becoming clear that they were also easily abused. False allegations, abuse of Section 498A as a tool of vengeance in marital strife, and arbitrary arrests of not just spouses but also elderly in-laws, siblings, and distant relatives started to surface. In numerous historic decisions including *Sushil Kumar Sharma v Union of India*¹ and *Armesh Kumar v State of Bihar*², the Supreme Court of India noted the abuse of matrimonial laws and underlined the need of protections against arbitrary implementation. These rulings signaled a minor change in the court's story from one of complete protection to one of wary balance.

Legislative change has lagged despite this judicial pushback. The legislation still views matrimonial abuse as a gender-specific occurrence, hence men have little opportunity to get justice should they experience harassment, emotional abuse, or false accusations. Furthermore lacking in Indian law are any legislative clauses addressing domestic abuse against males or punishing the comprehensive filing of hostile matrimonial complaints. This legal void has spurred discussions on the necessity of gender-neutral laws and spawned advocacy groups calling for equal legal protection for every person, regardless of gender.

2. COMMON LEGAL PROVISIONS AND THEIR MISUSE

The Indian legal system has established various statutory measures to safeguard women against cruelty, domestic violence, and dowry-related abuse inside marriage. Although these rules were initially established to protect the rights and dignity of women, accumulating evidence and court observations over time have indicated instances of misuse, raising significant issues regarding fairness, balance, and the potential harassment of men. This section rigorously evaluates the principal legal provisions pertinent to marriage conflicts and assesses how their misapplication has led to male harassment in specific instances.

Section 498A of the Indian Penal Code (IPC), enacted in 1983, is one of the most contentious and often referenced sections in this context. This clause penalizes cruelty inflicted by a husband or his relatives onto a married lady, with cruelty encompassing both bodily and psychological harm, as well as harassment associated with dowry demands. The legislation was implemented in reaction to the concerning increase in dowry-related fatalities and domestic violence, and it initially functioned as an effective deterrent to these offenses. Nonetheless, the non-bailable, cognizable nature of the offense permitting authorities to apprehend the accused without prior investigation raised significant concerns. In several cases, the husband's entire family, including elderly parents, sisters, and even distant relatives, has been jailed or implicated in FIRs based on unsubstantiated claims. The Dowry Prohibition Act of 1961³ was designed to outlaw the exchange of dowry in matrimonial unions. Although the objective of this legislation is commendable, its ambiguous definitions and redundant clauses with Section 498A have resulted in problems. Allegations of dowry harassment are frequently appended as additional charges, and in certain instances, assertions of dowry demand are retrospectively imposed on circumstances where no such demand was present. This has resulted in an abuse of process, when complainants occasionally exploit dowry charges as leverage in matrimonial disputes about property, custody, or financial settlements.

The most comprehensive legislation in this area is the Protection of Women from Domestic Violence Act (PWDVA), 2005,⁴ which provides civil remedies for women experiencing abuse in domestic partnerships. The Act encompasses several forms of abuse such as physical, verbal, emotional, sexual, and economic and stipulates protective orders, residence rights, and financial reparation. Although the PWDVA was conceived as a progressive, non-criminal initiative providing immediate relief and rehabilitation, its execution has frequently resulted in unforeseen repercussions. Men charged under this statute

¹ AIR 2005 SUPREME COURT 3100.

² *Supra* note 22.

³ The Dowry Prohibition Act of 1961, available at -: https://www.indiacode.nic.in/bitstream/123456789/5556/1/dowry_prohibition.pdf.

⁴ Protection of Women from Domestic Violence Act (PWDVA), 2005, available at -: https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf.

endure societal humiliation, reputational harm, and financial burden, prior to the verification of the claims' veracity. Furthermore, the Act precludes any equivalent recourse or protection for men experiencing same forms of abuse, so perpetuating a unilateral legal narrative.

Another domain where abuse is apparent is in maintenance and alimony petitions under Section 125 of the Criminal Procedure Code and pertinent provisions of the Hindu Marriage Act. Although the law appropriately aims to avert the financial neglect of women, instances have arisen when educated and financially independent women have sought maintenance despite being working or intentionally opting not to work. Judicial bodies have intermittently acknowledged this, with rulings underscoring that maintenance should not serve as a vehicle for unfair profit and that a competent woman cannot stay inactive at her husband's expense. However, the absence of explicit norms frequently permits manipulation and strategic litigation.

The abuse of these rights has resulted in considerable repercussions, affecting both the accused and the court system overall. It congests judicial dockets with spurious or inflated allegations, diverts focus from legitimate cases, and fosters an increasing skepticism towards the legal system. From a societal perspective, innocent men and their families frequently endure public humiliation, psychological distress, economic hardships, and, in certain tragic instances, even suicide. The National Crime Records Bureau (NCRB) data indicates thousands of annual acquittals under Section 498A, prompting inquiries on the prevalence of fraudulent allegations and the necessity for a more equitable enforcement of the law.⁵

Notwithstanding judicial attempts to mitigate abuse, legislative reform in this domain has progressed slowly and cautiously, mostly due to concerns about undermining authentic protections for women. Some legal experts contend that the potential for misuse should not justify the dilution of legislation designed to combat systematic gender injustice, while others emphasize the necessity of equitable law application and the implementation of safeguards against legal process abuse to maintain public trust in the judiciary. A burgeoning understanding exists among legal experts, campaigners, and certain women's rights proponents that reform does not inherently signify regression; it can denote enhancement, fortified protections, and more explicit protocols that guarantee justice for all.

3. SOCIAL STIGMA AND ALIMONY MANIPULATION

Social stigma plays a significant and often invisible role in alimony manipulation, where entrenched gender norms and societal expectations heavily influence how claims are perceived, evaluated, and adjudicated—frequently to the disadvantage of men.

- **Presumption of Financial Responsibility on Men**

In most societies, including India, men are socially conditioned and expected to be the primary earners and providers. This expectation persists even after the dissolution of a marriage. Courts, influenced by this societal mindset, often award alimony based on the assumption that the man must continue fulfilling his “provider” role regardless of the woman’s financial capacity or the equitable nature of the circumstances. Even when the woman is educated, employable, or already earning, she may be awarded maintenance if she claims dependency. This results in alimony being weaponized where a woman may choose not to work or hide her income to claim higher maintenance, exploiting the belief that it is the man's duty to support her indefinitely.

- **Sympathy Bias in the Court of Public Opinion**

There exists a sympathy bias rooted in traditional gender roles. Society tends to see women especially separated or divorced women as automatically vulnerable or wronged, while viewing men as privileged or responsible for the breakdown. This bias is not just personal but also institutional. Judges, lawyers, and mediators, being products of the same society, can unconsciously favor the woman's narrative, particularly in alimony and maintenance matters. Men, on the other hand, are often discouraged from contesting excessive alimony claims, fearing they will be branded as ungenerous, petty, or vindictive, especially if children are involved.

- **Social Shaming and Masculinity Norms**

A man who resists paying alimony, even if the claim is unjustified, often faces social shaming. He may be accused of being “irresponsible,” “abandoning his family,” or failing in his masculine role. These narratives discourage men from challenging manipulative claims, pushing them to comply even when it causes financial strain. Furthermore, societal expectations of stoicism prevent men from expressing the emotional and psychological burden of paying alimony especially when they feel exploited. Speaking out risks ridicule, isolation, or accusations of being anti-woman, which discourages dialogue about male vulnerability.

- **Legal Reinforcement of Stereotypes**

Though laws aim to be neutral, they often reinforce these social stigmas. Courts may not sufficiently examine a wife’s earning capacity or lifestyle adjustments post-divorce. Instead, they might focus solely on the husband's financial status. This creates a legal echo chamber, where stereotypes are validated through judicial practice. False or exaggerated claims of dependency are rarely penalized, and men seldom receive legal relief even when the manipulation is apparent. This contributes to the normalization of misuse.

- **Impact on Men’s Rights and Well-being**

⁵NCRB Report of 2020, available at -: <https://voiceformenindia.com/ncrb-report-2020-crimes-against-women-cases-registered-v-s-false-conviction-vs-acquittal/> (Visited on 05 April 2025).

Social stigma not only leads to unfair financial obligations but also affects men's mental health, dignity, and access to justice. Many suffer in silence, burdened by prolonged litigation, excessive payouts, or debt. Fathers are often denied custody yet are expected to pay large sums for children they are not allowed to see, compounding the emotional toll. In sum, social stigma enables and legitimizes alimony manipulation, reinforcing a system where men's rights to fairness and dignity are compromised. Reform must involve changing societal narratives, judicial re-sensitization, and gender-neutral financial assessments in alimony decisions.

3.1 Who is entitled to claim alimony?

Under Indian law, the entitlement to claim alimony or maintenance is primarily determined by the financial incapacity of a spouse and the subsistence of a valid marital relationship, and has evolved through statutory provisions and judicial interpretations. Both men and women can claim alimony under certain laws, though in practice, women are the primary claimants. Under Section 25 of the Hindu Marriage Act, 1955, either spouse husband or wife is entitled to claim permanent alimony and maintenance after a decree of divorce, judicial separation, or annulment. The courts exercise discretion based on the applicant's income and financial needs, as well as the respondent's capacity to pay. In *Kalyan Dey Chowdhury v Rita Dey Chowdhury Nee Nandy*⁶, the Supreme Court held that 25% of the husband's net salary was a reasonable amount for maintenance. The judgment reinforced that the quantum must be fair, just, and not excessive, and dependent on case-specific facts.

Under Section 125 of the Code of Criminal Procedure (CrPC), 1973, a wife (including a divorced wife who has not remarried) can claim maintenance if she is unable to maintain herself. This provision is welfare-oriented and secular in nature, cutting across personal laws. In *Shamim Bano v Asraf Khan*⁷, the Supreme Court clarified that a divorced Muslim woman can file for maintenance under Section 125 CrPC, in addition to her entitlements under personal law. Though Section 125 is not gender-neutral, courts have recognized in some judgments that under personal laws like the Hindu Marriage Act and Special Marriage Act, husbands may also be entitled to maintenance in genuine cases of financial hardship. For instance, in *Rajnesh v Neha*⁸, the Supreme Court issued detailed guidelines on maintenance proceedings, directing that both spouses must submit affidavits disclosing their income, assets, and expenditures. This was a progressive step toward preventing manipulation and ensuring fairness, irrespective of gender.

The Hindu Adoption and Maintenance Act, 1956 entitles only a Hindu wife to claim maintenance from her husband, provided she has not converted to another religion and is not guilty of adultery. In *Manokaran v M. Devaki*⁹, the Madras High Court reiterated that a wife living separately under justified grounds is entitled to maintenance. Muslim women, under the Muslim Women (Protection of Rights on Divorce) Act, 1986, can claim a reasonable and fair provision and maintenance from their husbands during and beyond the iddat period. In the landmark judgment *Daniel Latifi v Union of India*¹⁰, the Supreme Court upheld the constitutionality of the Act, ruling that a Muslim husband is obligated to make a fair provision for his ex-wife beyond the iddat period, thereby harmonizing personal law with constitutional principles of equality.

Similarly, under the Indian Divorce Act, 1869 (for Christians), the wife is entitled to claim maintenance during litigation (*pendente lite*) and permanent alimony, subject to the court's discretion. The Special Marriage Act, 1954, applicable to inter-faith marriages, provides for gender-neutral alimony under Section 37. In *K. Srinivas Rao v D.A. Deepa*¹¹, the Supreme Court granted alimony to the wife while also highlighting that false allegations and mental cruelty can influence alimony decisions, showing that courts assess conduct as well as financial status.

3.2 How the "standard of living" is defined ?

In Indian matrimonial jurisprudence, the concept of "standard of living" plays a crucial role in determining the amount of maintenance or alimony awarded to a dependent spouse. It refers to the general financial and social lifestyle that the couple maintained during the subsistence of their marriage, and the law seeks to ensure that the economically weaker spouse, post-separation, is not forced into destitution or a lifestyle drastically below that standard. The courts aim to provide a reasonable continuation of the standard of living that the claimant spouse was accustomed to, considering the financial capabilities of the paying spouse. The Supreme Court of India, in the landmark case of *Vinny Parmvir Parmar v Parmvir Parmar*¹², stressed that permanent alimony should be determined based on the parties' statuses, their respective earnings, their conduct, and other relevant facts of the case. It determined that the wife should be permitted to maintain a lifestyle as similar as practicable to that which she experienced throughout the marriage.

Another important decision is *Shailja & Anr. v Khobbanna*¹³. The Supreme Court clarified that an educated woman who possesses the capacity to earn is not inherently disqualified from receiving maintenance if she is not now earning and cannot sustain the standard of life she had during her marriage. This demonstrates a sophisticated method in which the court considers projected earning capabilities while prioritizing the lifestyle experienced throughout the marriage. In *Sunita Kachwaha v Anil Kachwaha*¹⁴, the Court upheld the wife's right to maintenance despite the husband's argument that she had independent income, ruling that mere ability to earn does not negate the claim if she cannot maintain a similar standard.

⁶ AIR 2017 SUPREME COURT 2383.

⁷ 2014 AIR SCW 3369.

⁸ MANU/SC/0833/2020.

⁹ AIR 2003 MAD 212.

¹⁰ AIR 2001 SUPREME COURT 3958.

¹¹ *Supra* note 27.

¹² AIR 2011 SUPREME COURT 2748.

¹³ AIR 2017 (SC) 75.

¹⁴ AIR 2015 SC 554.

Further, in *Kalyan Dey Chowdhury v Rita Dey Chowdhury*¹⁵, The Supreme Court determined that, in general, 25% of the husband's net pay is deemed an equitable sum for the wife's maintenance, particularly in the absence of specific proof on the level of living or incurred expenses. The court emphasized that alimony must be equitable and fair, intending to avoid the woman from experiencing financial destitution and to maintain a semblance of the married standard of living.

These cases demonstrate that the "standard of living" is not rigidly defined but is assessed holistically, considering factors such as housing, clothing, transportation, food, social habits, travel, and other amenities previously available to the claimant spouse. Courts also examine the financial disclosures and lifestyle evidence presented, such as tax returns, bank statements, and property ownership. As directed in *Rajesh v Neha*¹⁶, both parties are now required to submit a detailed affidavit of income, assets, and expenditures to help the court objectively assess the economic conditions and thereby, the standard of living.

3.3 Financial torture to Men in legal proceedings

Financial torture of men in matrimonial legal proceedings is an emerging concern in the Indian legal landscape, where certain provisions though originally framed to protect women from marital abuse are increasingly being misused to harass men financially. This form of abuse includes filing multiple, often frivolous, cases under various laws such as Section 498A of the IPC, Section 125 of the CrPC, domestic violence cases, and alimony and maintenance petitions, thereby dragging the husband and his family into prolonged, expensive litigation. In *Sushil Kumar Sharma v Union of India*¹⁷, the Supreme Court acknowledged the misuse of Section 498A and termed it as "legal terrorism," observing that false complaints result in not just the humiliation and trauma of the husband but also financial ruin due to repeated court appearances, legal fees, and social ostracization.

One of the most telling examples is *Rajesh Sharma & Ors. v State of U.P.*¹⁸, where the Supreme Court noted that in many cases, complaints under Section 498A were being filed in the heat of the moment without genuine cause, and husbands were being forced to settle or pay large sums to avoid arrest and harassment. Though the judgment was later modified, it reflected the judiciary's concern about the financial and emotional burden unfairly placed on men. In *K. Srinivas Rao v D.A. Deepa*¹⁹, the Court observed that filing multiple litigations with malafide intent could amount to mental cruelty, which is a valid ground for divorce, and often involves significant financial distress for the husband.

Men also suffer financially when courts award interim maintenance to wives without adequate inquiry into their independent income, which places an unfair burden on the husband regardless of the merits of the case. In *Ravi Kumar v Julmidevi*²⁰, the Court reiterated that maintenance should be based on verified income and financial capacity, not assumptions, yet in practice, exaggerated claims by wives often go unchecked initially. The landmark *Rajesh v Neha*²¹ judgment sought to reduce such financial harassment by mandating income affidavits from both parties, bringing more transparency and fairness to maintenance litigation.

Overall, financial torture in matrimonial litigation manifests through abuse of legal provisions, deliberate delays, inflated financial claims, denial of shared custody of children (leading to prolonged legal fights), and repeated summons from various courts. While the laws aim to protect women from marital injustice, a growing body of jurisprudence and commentary now recognizes that misuse of these laws can result in unjust financial and emotional harm to men, calling for a more balanced, gender-neutral approach in matrimonial disputes.

4. JUDICIAL RECOGNITION OF MALE HARASSMENT

Over the past two decades, Indian courts have increasingly recognized that matrimonial laws though originally intended to shield women from abuse can also be misused to harass men. This judicial awareness has led to a shift in tone and interpretation, with the courts adopting a more balanced view that seeks to prevent both the abuse of women and the misuse of protective statutes against men. While the law itself remains largely gender-specific, the judiciary has emerged as a key institution acknowledging and addressing the phenomenon of male harassment in matrimonial disputes.

One of the earliest and most influential acknowledgments came in the landmark case of *Sushil Kumar Sharma v Union of India*²², where the Supreme Court stated unequivocally that "the provision [Section 498A IPC] is intended to be used as a shield and not as an assassin's weapon." The Court observed that the misuse of Section 498A had become so rampant that it was being used to settle personal scores and blackmail husbands and their families. This case marked a turning point in the judicial discourse, prompting courts to more critically examine complaints and to resist automatic arrests or blind acceptance of allegations without preliminary inquiry.

Further strengthening this judicial stance was the Supreme Court's ruling in *Armesh Kumar v State of Bihar*²³. In this case, the Court laid down detailed guidelines to prevent arbitrary arrests under Section 498A. It held that no arrest should be made merely because it is lawful for the police officer to do so, and emphasized the need for police to justify every arrest with supporting evidence. The Court noted that in many cases, relatives of the husband

¹⁵ *Supra* note 34.

¹⁶ *Supra* note 36.

¹⁷ *Supra* note 29.

¹⁸ AIR 2017 SUPREME COURT 3869.

¹⁹ *Supra* note 27.

²⁰ 2010 (SC) 1515.

²¹ *Supra* note 36.

²² *Supra* note 29.

²³ *Supra* note 22.

including aged parents and minor siblings were unnecessarily roped in, causing them undue hardship. To ensure compliance, the Court even mandated disciplinary action against erring officers and required magistrates to check if due process was followed before remanding the accused to custody. This judgment institutionalized a safeguard mechanism, recognizing not just the rights of women but also the rights of men and their families to protection from abuse of legal procedures.

In another notable judgment, *Rajesh Sharma & Ors v State of Uttar Pradesh*²⁴, the Supreme Court expressed concern over the “growing tendency” of women to file exaggerated or false complaints under Section 498A. The Court recommended the formation of Family Welfare Committees in every district, comprising citizens who would examine complaints before FIRs could lead to arrests. Though this directive was later modified in the *Social Action Forum for Manav Adhikar v Union of India*²⁵, where the Supreme Court clarified that such committees could not operate in contravention of statutory law, the broader judicial message remained unchanged: matrimonial disputes must be handled with sensitivity and fairness for all parties involved.

High Courts across the country have echoed these sentiments. For instance, in *Preeti Gupta v State of Jharkhand*²⁶, the Supreme Court cautioned against casually involving all family members of the husband in complaints, noting that false allegations not only ruin reputations but also clog the judicial system. The Bombay High Court, in *Kansraj v State of Punjab*²⁷, emphasized that while the judiciary must protect genuine victims, it must also guard against the law being turned into an instrument of oppression. Similarly, the Delhi High Court has repeatedly noted the increasing number of acquittals in Section 498A cases and urged legislative re-evaluation to prevent misuse.

The judiciary has also demonstrated empathy in maintenance and custody matters. While the law favors women in most maintenance-related claims, courts have increasingly scrutinized such claims to prevent unfair enrichment. In *K. Vimal v K. Veeraswamy*²⁸, the court noted that a wife who is capable of earning should not sit idle and burden the husband financially, especially when she chooses to not work out of personal preference. In *Kusum Sharma v Mahinder Kumar Sharma*²⁹, the Delhi High Court laid down guidelines requiring full financial disclosure from both parties to prevent manipulation and exaggeration in maintenance claims. These rulings recognize that unjust claims can place an unfair financial and emotional burden on men, especially in protracted matrimonial litigation.

Another area where courts have shown concern is the psychological toll on men falsely accused in matrimonial cases. Although Indian law does not yet recognize domestic violence against men, several courts have accepted counter-allegations and considered the behavior of both spouses in determining relief. For example, in *Bipin Chander Jaisinghbhai Shah v Prabhavati*³⁰, the Bombay High Court acknowledged that cruelty is not gender-specific and may arise from a variety of behaviors that disrupt marital harmony. In recent cases, courts have also allowed men to file counterclaims for mental cruelty in divorce proceedings, implicitly validating their experiences of emotional abuse, manipulation, or social defamation.

Despite these progressive judicial interventions, the fact remains that the current legal framework still offers limited institutional recourse for men facing harassment. The courts, constrained by gender-specific statutes, often express frustration at their inability to provide equal relief to male victims unless they creatively interpret the law or rely on broader constitutional principles of equality and fairness. This has led to calls within the judiciary itself for more gender-neutral legislation, or at the very least, procedural reforms that ensure checks against false complaints and misuse of process.

5. PSYCHOLOGICAL, SOCIAL, AND LEGAL IMPACT ON MEN

Although legal frameworks were established to safeguard women from abuse in marital contexts, these gender-specific regulations have inadvertently resulted in an increasing trend of psychological, social, and legal anguish among men. The effects are frequently underreported, inadequately comprehended, and socially trivialized due to dominant preconceptions that perceive men as fundamentally superior or impervious to distress. False or inflated claims under matrimonial laws, extended litigation, reputational damage, and systematic biases have significantly impacted the emotional and social well-being of numerous men, resulting in, in some instances, irrevocable injury.

Men wrongfully prosecuted under matrimonial laws frequently endure intense feelings of betrayal, astonishment, and powerlessness. The commencement of legal action especially under statutes such as Section 498A IPC or domestic violence allegations can induce significant tension and worry, particularly when the accusations are unforeseen or seem vindictive. A considerable number of men express sensations of humiliation and disgrace, particularly when law enforcement actions result in arrest or social ostracism. In contrast to women, men are infrequently perceived as possible victims of domestic abuse, resulting in insufficient empathic support systems, including counseling and shelter facilities. This systemic neglect cultivates a culture of silence, wherein men are anticipated to withstand emotional damage without revealing vulnerability.³¹ Over time, the repression of emotional distress can result in chronic melancholy, anger, suicidal thoughts, and post-traumatic stress disorder (PTSD).

²⁴ AIR 2017 SUPREME COURT 3869.

²⁵ AIR 2018 SUPREME COURT 4273.

²⁶ *Supra* note 21.

²⁷ AIR 2000 SUPREME COURT 2324.

²⁸ 1991 SCR (1) 904.

²⁹ (2020) 271 DLT 232.

³⁰ 1957 AIR 176.

³¹ Elizabeth A. Bates, Julie C. Taylor, *Domestic Violence Against Men and Boys: Experiences of Male Victims of Intimate Partner Violence*, Routledge (2022).

Research and anecdotal data indicate that males engaged in extended marital disputes frequently experience declining mental health. They experience a feeling of emasculation and lack of agency, emotionally unsettled by the personal treachery of marital discord and the impersonal harshness of the legal proceedings. The societal expectation for men to maintain stoicism or strength throughout adversity exacerbates their emotional isolation. Men frequently avoid disclosing their trauma due to concerns of mockery or dismissal, particularly in a society predisposed to perceive men as perpetrators rather than victims.³² In severe instances, men falsely accused of domestic abuse or dowry harassment have committed suicide. Various media publications and advocacy groups have recorded these occurrences, emphasizing the pressing necessity to tackle male mental health within the framework of marital conflicts.

The social repercussions of false accusations or contentious legal disputes are very damaging. Men embroiled in matrimonial conflicts may encounter public defamation, deterioration of professional reputation, and social ostracism. An accusation, regardless of conviction, can suffice to devastate careers, upset familial connections, and undermine personal credibility. In some instances, the accused are presumed guilty by employers, colleagues, neighbors, and even extended family members. The stigmatization extends beyond the husband to encompass his parents and siblings, particularly when entire families are implicated in accusations. Elderly parents have been apprehended, young siblings have been suspended from employment, and friends have been ostracized all predicated on unsubstantiated allegations.

Moreover, society conventions typically perceive men as money providers and bearers of power. In instances of divorce disputes, especially those concerning alimony or maintenance claims, men are often obligated to provide financial support to their estranged wives, even when the latter possess financial independence or the ability to earn income. This financial strain, exacerbated by legal expenses and the risk of job loss stemming from shame or stress, imposes significant pressure on males, frequently leading them into debt or emotional collapse.³³ Fathers contesting child custody or visitation rights encounter significant challenges, as judicial systems predominantly favor maternal custody. The resultant estrangement from children not only impacts paternal relationships but also creates a persistent deficiency in the emotional well-being of numerous fathers.

The existing legal structure offers insufficient avenues for males to obtain remedy in cases of harassment stemming from fraudulent or malicious lawsuits. The majority of marriage laws adhere to a protective, gender-specific framework that assumes the wife is the victim and the husband is the offender. This preconception, although historically warranted, frequently disadvantages males who may be legitimately wronged. A man charged under Section 498A IPC may endure protracted litigation, confront numerous anticipatory bail motions, and undergo criminal proceedings that culminate in acquittal, albeit only after substantial harm has been inflicted on his emotional, social, and financial well-being.

Moreover, the legal remedies accessible to men are limited. In India, domestic abuse against men lacks statutory legitimacy, and courts frequently hesitate to consider counter-complaints unless substantiated by incontrovertible proof. Even when the court recognizes legal abuse, sanctions against the complainant are seldom and insufficiently punitive.³⁴ The lack of a comparable framework for men to report emotional or physical abuse fosters the belief that men should suffer in silence, so maintaining gender prejudice within the court system.

The issue is exacerbated by the absence of institutional assistance for men. In contrast to the numerous NGOs and state-operated support centers for women, there are nearly no government-funded counseling clinics, helplines, or shelters particularly established for males experiencing marital difficulties. Despite the emergence of several men's rights organizations and online forums in recent years, they function with constrained resources and are frequently regarded as marginal or anti-feminist. This institutional indifference intensifies the feelings of alienation and despair experienced by numerous males, particularly those from conservative or rural backgrounds who may lack legal knowledge or access to mental health resources.

In this setting, it is imperative to reevaluate the gender assumptions that underpin India's marriage legal framework. Justice should not be determined solely by gender. The anguish of innocent individuals whether psychological, social, or legal merits equivalent acknowledgment and remedy neglecting to recognize this suffering not only compromises the idea of legal equality but also diminishes public trust in the integrity of the judicial system. Significantly, it can undermine the credibility of authentic women's rights advocacy, as the exploitation of protective laws engenders reaction and diverts focus from actual victims.

6. BURDEN OF MAINTENANCE : A DOUBLE PUNISHMENT

Although, Sections 24 and 25 of the Hindu Marriage Act, 1955 allow husbands to claim maintenance and alimony from wives, this can be invoked only during the divorce proceedings. However, wives can claim maintenance under Section 18 of the Hindu Adoptions and Maintenance Act, 1956 and monetary relief under the Protection of Women from Domestic Violence Act, of 2005 even without seeking divorce. In fact, only the wives are entitled to claim monetary relief from the husbands for any kind of domestic violence. This asymmetry is based on the presumption that only husbands are perpetrators of domestic violence, ignoring the possibility of cruelty by wives. Consequently, there is no equivalent legal protection for husbands against domestic violence and to claim maintenance without seeking divorce proceedings. This may be one of the factors for the rate of suicide among Indian men being 2.5 times that among women.³⁵

³² *Supra* note 9.

³³ Jyotirmoy Banerjee & Saloni Bahl, The Dark Side of Empowerment: An Analysis Of The Misuse of Legal Provisions By Women in India, *IJHRLR*, Volume 2 Issue 3 (2023).

³⁴ Negha Senthil, The Misuse of Law by Women in India -Constitutionality of Gender Bias, *Journal of Legal Research and Juridical Sciences*, 2(2), 77-82 (2019).

³⁵ Divyani Shah, & Dr. Bala Saheb Garje , Misuse of Laws by Women in India: A Critical Analysis, *AJIRA* , Vol. VIII Issue IV (2015).

Additionally, the law of the land, as developed by judicial decisions, is that if the wife is not earning or earns less than the husband, she is entitled to maintenance or alimony, even if the divorce is granted by the court due to the wife's cruelty. The amount must be sufficient to maintain the standard of living she had during the marriage. While this provision aims to provide financial security to women, it often places an undue burden on men, especially in cases where the wife is the perpetrator of cruelty. Furthermore, the standard of living test, which determines the amount of maintenance, is often flawed. The assumption that a woman's standard of living must be maintained in the same way it was during the marriage fails to take into account situations where the marriage was short-lived or where the woman has not spent enough time in the relationship to have developed a high standard of living. This test also becomes problematic when the wife is the one who initiates the divorce and commits cruelty to procure divorce expeditiously.

In India, a man being surrounded by the patriarchal society has been brought up with a view that men are strong and has to stand strong in every situation of life. No matter how hard the life goes, a man buries his emotions when the person with whom he decided to spend the rest of his life through the so called institution of marriage as accepted by the society, is going to come to an end with the divorce. Though, the grounds of divorce are provided to the person irrespective of their gender, the point arises of maintenance and alimony. In the number of cases as decided by the honourable apex court, it is prevalent in India that maintenance is to be provided by men as he is the only earning member in the family.

In this changing era of so called male dominated society towards the society where the females are misusing the laws which were framed by the legislators to provide protection to them is now becoming and used as a threat against men. There is no doubt that violence against women in India is comparatively higher than the violence against men but on this basis we cannot neglect the victimization of men. Moreover, when the marriage is to be dissolved, why it is prevalent that only men have to pay maintenance to women to maintain her standard of living as she had during the marriage. If the woman wants to enjoy the same standard of living as she had during the subsistence of marriage the question arises here why has she filed for divorce? Though the IPC provided certain grounds for divorce as well as for maintenance, but what if the case was instituted on false accusations against men as filed by women where the matter is to be proved mainly on the basis of facts of the case where the burden of proof lies upon men as provided under Section 498A of the Indian Penal Code.

In the recent times, many cases have come up where men were being forced to pay alimony to the wife after divorce and due to the pressure of the so called patriarchal society the men committed suicide due to the mental pressure faced by him due to divorce. Divorce is not a simple way of separation. Both the partners may face some mental pressure upon them, but is there any remedy for those especially men who are to pay their partner the sum of maintenance, also in some cases the sum of expenses of filing the case, and also alimony either to maintain her standard of living or in the name of any children where custody is being given to the women.

7. NCRB AND NGO REPORTS

Non-governmental organizations (NGOs) have increasingly documented the incidence and ramifications of male harassment in divorce disputes, a subject frequently neglected in mainstream discussions. Empirical evidence gathered by NGOs engaged in men's rights advocacy indicates a trend of abuse of protective legal measures, specifically under provisions such as IPC 498A, the Protection of Women from Domestic Violence Act, and various marriage statutes.

The NCRB Reports of 2020 indicate that India documented a total of 153,052 suicides in that year. Among them, there were 108,532 males, 44,498 females, and 22 transgender individuals. Among 108,532 males, 73,093 were married, which included 4,015 marital disputes and 6,458 cases attributed to unclear reasons. This research indicates that the male demographic in India constitutes 51.96%, while the female demographic comprises 48.04%; nonetheless, the suicide rate for males is 2.44 times more than that of females. Number of married men dying by suicide is 1.6 times than that of married women, in the absence of Men's Commission like Women's Commission, the male gender has nowhere to go if they face matrimonial atrocities.³⁶

The NCRB Report of 2021 documented a total of 164,033 suicides in India, comprising 118,979 males and 45,026 females. Out of 118,979 guys, 81,063 were married. The second leading cause of suicide was attributed to "marriage-related issues," accounting for 4.8% of total suicides in 2021, while drug abuse and alcohol dependence were the top reason at 6.4% of total suicides.³⁷

The NCRB Report of 2022 indicates that there were 170,924 suicides in 2022, reflecting a 4.2% rise compared to 2021. There were 122,724 male suicides, 48,172 female suicides, and 28 suicides among transgender individuals. Of these, 114,485 were married, while the remainder were unmarried. Marriage-related concerns constituted 4.8% of total suicides in 2022.³⁸

From the year 2023 no such reports have been released by the National Crime Bureau Records (NCRB) breaking gender wise and the reasons for such suicides. The data (2022-2023) provided by the Office for National Statistics, the United Kingdom's largest independent producer of official Statistics, reveals that one in three victims of domestic abuse is a male, as per the survey carried out by the Mankind Initiative, a British organization focusing on the male victims of domestic abuse, 25% of the cases recorded by the police involve a male victim.³⁹

³⁶ NCRB Report of 2020, available at - : <https://voiceformenindia.com/ncrb-suicide-report-2020-71-men-29-women-married-men-1-6-times-higher-than-married-women/> (Visited on 07 April 2025).

³⁷ NCRB Report of 2021, available at - : <https://voiceformenindia.com/ncrb-suicide-report-2021-gender-wise-analysis-mens-rights/> (Visited on 07 April 2025).

³⁸ NCRB Report of 2022, available at - : <https://voiceformenindia.com/ncrb-suicide-report-2022-gender-wise-analysis-married-men-1-73-times-higher-than-married-women/> (Visited on 07 April 2025).

³⁹ Arya Dubey, Gender Neutrality in Domestic Violence Laws of India: The Neglected Male Side, *TSCLD* (2024).

Having remained the happiest country for 7 consecutive years, Finland, a Nordic country, shares the same grim fate. As per a survey conducted over a period of 10 years (2012-2022), in 2022 alone, a staggering total of 11, 819 cases of domestic violence were reported. While a majority of them were women, 3, 669 were males, constituting approximately 31% of the total victims, which although much less in comparison to female victims, is a concerning figure in itself.⁴⁰

When we analyze this data in relation to harassment faced by women and instances of suicide, it becomes evident that the prevalence of male suicides appears significantly higher in comparison to other genders. This trend, particularly in the context of marriage-related issues, raises considerable concern for men within a society that is often characterized by traditional norms and a patriarchal framework. The reports clearly indicate that harassment directed towards men continues to exist within society, and due to the prevailing social stigma, their voices remain largely unacknowledged.

8. CONCLUSION

The issue of male harassment in matrimonial cases represents a complex and largely unacknowledged dimension of India's family law system. While the evolution of protective legislation for women was a necessary and progressive step in addressing deep-rooted gender inequalities, the unilateral focus on female victimhood has created a blind spot in the legal landscape one where men are often denied equal protection, dignity, and redress. As this chapter has explored, the current legal framework, in its attempt to empower one gender, has at times inadvertently enabled the misuse of law against the other. The consequence has been not only the emotional, psychological, and financial suffering of innocent men, but also a growing erosion of public trust in the justice system. Judicial recognition of male harassment has played a crucial role in highlighting this imbalance. Courts have issued warnings, laid down safeguards, and acknowledged the emotional toll of false allegations. However, judicial creativity alone cannot substitute for comprehensive legislative reform. What is urgently needed is a systemic recalibration of matrimonial laws to make them more balanced, inclusive, and evidence-driven. Gender-neutral laws particularly in the areas of domestic violence, maintenance, and custody would ensure that all individuals, regardless of gender, receive equal protection under the law.

Matrimonial laws in India, initially designed to safeguard vulnerable individuals in marriage partnerships, has progressively transformed into a contentious arena where criminal and civil law intersect. The convergence of divorce proceedings, fundamentally civil, with criminal allegations under statutes like Section 498A IPC, Section 406 IPC, and the Protection of Women from Domestic Violence Act, 2005, has fostered a legal environment susceptible to exploitation. The essential function of police authority in this context has regrettably been compromised by systemic abuse, procedural inconsistencies, and a conspicuous absence of accountability. This harassment frequently remains overlooked or disregarded in public debate, mostly because to ingrained gender biases, institutional stagnation, and the politicization of women's rights laws. This matter necessitates serious and equitable consideration in the pursuit of justice, constitutional integrity, and human rights.

This analysis reveals that Section 498A IPC, despite its noble goal, is arguably one of the most misappropriated sections in Indian criminal law. The legislation, initially established to mitigate dowry-related fatalities and mistreatment, frequently functions as an instrument of compulsion instead of safeguarding. The judiciary recognized this reality in several important decisions, notably *Sushil Kumar Sharma v Union of India*⁴¹, where the Supreme Court articulated apprehension regarding its possible misuse as a weapon instead than a protective measure. The case of *Preeti Gupta v State of Jharkhand*⁴² underscored the detrimental effects of exaggerated and frequently baseless allegations, resulting in undue harassment of men and their families. The inclination of law enforcement to identify all family members without thorough examination signifies a fundamental lapse in investigative accountability and due process.

Furthermore, the police frequently assume the role of unofficial mediators or enforcers of agreements. Men are frequently coerced into resolving issues by disbursing a one-time maintenance payment, returning purported dowry items, or consenting to disadvantageous divorce conditions to evade criminal charges. These coerced settlements are not only unethical but often illegal, compromising the autonomy of both parties and the integrity of the legal process. It also obscures the distinctions between civil and criminal jurisdiction, leading to a miscarriage of justice. The police's failure to register counter-complaints from wives alleging blackmail, extortion, or false charges underscores the gender bias inherent in the law enforcement system. Notwithstanding the verdict in *Lalita Kumari v Govt. of Uttar Pradesh*⁴³, which mandated the registration of FIRs for cognizable offences, law enforcement frequently declines to address the complaints of male victims. This gendered approach violates the concept of equality before the law as established in Article 14 of the Constitution, infringes upon the right to life and personal liberty under Article 21, and undermines the procedural protections against arbitrary arrest outlined in Article 22. The police's role in enforcing the Protection of Women from Domestic Violence Act, 2005, has proven complicated. Although predominantly a civil statute, it permits quasi-criminal remedies, including protection orders and residency rights, enforceable with police intervention. These orders are occasionally enforced without a judicial finding of guilt, resulting in the expulsion of individuals from their residences or the forfeiture of child custody. This enforcement, lacking adequate legal procedure, contravenes fundamental principles of fairness and natural justice. The absence of police accountability and systemic bias is worsened by institutional constraints. The majority of police officers are inadequately trained to manage marriage disputes, especially those with intricate legal and psychological aspects. The prevalent public belief that males are generally the aggressors in marital disputes fosters a presumption of guilt, leading to procedural expedencies and biased inquiries. Despite the judiciary's efforts to mitigate the abuse of criminal laws in matrimonial conflicts via guidelines, recommendations, and robust court pronouncements,

⁴⁰ *Supra* note 66.

⁴¹ *Supra* note 22.

⁴² *Supra* note 21.

⁴³ *Supra* note 20.

these initiatives are fragmented and inconsistently enforced. In *Rajesh Sharma v State of U.P.*⁴⁴, the Supreme Court advocated for the establishment of Family Welfare Committees to evaluate allegations prior to any arrest, a commendable initiative that was regrettably undermined in later judgments. The lack of sustained legislative reform has permitted systemic issues to endure.

This thorough research reveals that significant legal reforms and procedural protections are urgently required to restore equity and justice in marriage law in India. Initially, police agencies must conduct obligatory preliminary inquiries prior to the file of FIRs under Section 498A IPC and associated regulations. Secondly, law enforcement officials should be legally required to adhere to arrest protocols outlined in Section 41A of the Criminal Procedure Code, with sanctions for non-compliance.

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⁴⁴ *Supra* note 41.

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