

Invisible Victims: Legal and Social Dimensions of Cruelty Faced by Men in Marital Relationships

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ABSTRACT

Domestic violence in India has historically been a problem that has been discussed within a framework that is traditionally aimed at preserving the woman, and this is based on the historical fact of the high prevalence of abuse based on gender. Nevertheless, this is a limited view that fails to acknowledge the fact that men are also capable of being cruel in relationships in marriage. The paper aims to critically analyse the very phenomenon of marital cruelty against men, which, in the first place, has stayed hidden behind the strongest gender stereotypes, cultural stigma, and legal loopholes. The paper will examine the current legislative acts in India that regulate domestic violence, including Section 498 A of the Indian Penal Code, 1860, since amended as Section 85 of the Bharatiya Nyaya Sanhita, 2023 and the Protection of Women from Domestic Violence Act, 2005. Although the enactment of these laws was based on legitimate intentions of guarding women against abuse, the gender nature of the law has constrained the legalisation of domestic violence against men.

By reviewing the situation in judicial evolution, such as cases like Shivangi Bansal v. Sahib Bansal, the study depicts the growing recognition of victimization to males and the hurdles that men go through to receive lawful redress and institutional support. Moreover, the paper also makes a comparative study of the gender-neutral domestic violence laws in cases like Canada, the United Kingdom, and Australia. Based on these foreign counterparts, the study suggests that a more accommodative legal system should be embraced in India. Some of the reforms suggested in the study are gender-neutral domestic violence legislation, specific training for law enforcement agencies and the introduction of a support system that would be available to all victims regardless of gender. At the end of the article, it is highlighted that a legal framework based on

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equality, fairness and acknowledgement of all types of victimization is the key to establishing real gender justice in cases of domestic violence.

Keywords: Marital cruelty, Male victimization, Gender neutral laws, Domestic violence, Legal reforms.

1. INTRODUCTION

The discussion of domestic violence in India has conventionally been gendered, with women mostly assumed to be victims and men perpetrators. Although the narrative emerged as a direct result of the true necessity to raise the issue of the violence that was endured by women in a broad sense, it has frequently eclipsed the situation of men who can also become cruel in the context of marital relations. Laws like the Section 498A Indian Penal Code and the Protection of Women against Domestic Violence Act, 2005, were passed with a significant aim of protecting women against abuse. Nevertheless, the gender peculiarity of these laws has also added to the creation of a legal environment where the victimisation of men is not only under-researched, but also not given due attention, and sometimes even overlooked.

The fact that men are physically, emotionally, psychologically, and even economically abused in Marital relationships is not a new and insignificant phenomenon. Nevertheless, social norms of masculinity, which glorify stoicism, strength, and emotional insensitivity, are important obstacles on the way to the acknowledgement of male suffering. The norms in culture have the disadvantage of making it hard to get a man to show vulnerability, thus establishing a culture of mockery and scepticism in the rare cases when a man comes forward. This leads to gross underreporting of the cases, institutional non-support and social alienation of the male victims.¹

Several studies, such as those carried out in India and other countries, have established that a significant proportion of men have reported incidents of emotional humiliation, physical assault and court harassment in marriage.² The tragedy of false accusation and legal torture under protective laws, like in the case of Atul Subhash, is that they can lead to suicide in men

¹ Sanjay Deshpande, 'Sociocultural and Legal Aspects of Violence Against Men' (2019) 1(3-4) *Journal of Psychosexual Health* 246-249

² Monika Bhardwaj and Neha Sawhney, 'The Unseen Wounds of Male Victims of Gender-Based Violence: A Comparative Study of India and USA' (2025) XIV(III) *International Journal of Latest Trends in Engineering and Management Sciences* 434-436

without any effective remedial process.³ In *Jane Kaushik v. Union of India (2025)*,⁴ the Supreme Court held that the constitutional approach is based on a dignity-focused perspective, where equality in Article 14 and Article 21 must be safeguarded against non-formal forms of structural harm. This argument reveals the shortcomings of Section 85 BNS, which is gender-specific. A victim-centred approach should transform into a universal dignity concept, where everyone, men and gender-diverse people enduring cruelty in the matrimonial relations, is taken care of.

Legal silence of male victimization is more impressive, especially when it is observed in comparison with the global trends. Countries like Canada, Australia and the United Kingdom have shifted to gender-neutral domestic violence models, and they realise that cruelty does not belong to any one gender. In India, however, the law still operates within an antiquated binary model, and there is no statutory provision to deal with cruelty to men or partners of the husband in the marital relationship. The misuse of such protective laws, like in the case of *Sushil Kumar Sharma v. Union of India*, has been noted even by courts that show concern. *Shivangi Bansal v. Sahib Bansal*, no legislation action has succeeded.

This article aims to fill this gap by critically examining the legal, social, and psychological aspects of cruelty toward men in marriage. It examines the fact that the norms of society and gaps in legislation have collectively led to the invisibility of the lack of suffering in men. Based on the case evidence, empirical studies, and cross-national comparative law approaches, the article suggests a more accommodating and equitable legal response, one that will respect the law and values of justice, fairness, and gender-neutral justice. It also provides policy suggestions to bring about change in the Indian system of domestic violence to better represent the reality of the lives of all victims, regardless of their gender.

2. CONCEPTUAL UNDERSTANDING OF MARITAL CRUELTY IN RESPECT OF MEN

The nature of cruelty in marital relationships has always been gendered in the sense that the man is considered to be the perpetrator here and the woman the victim. But within the past few decades, the realisation has gradually but strongly come to light that men as well are as subject

³ Akanksha Jamre, 'Invisible Victims: A Critical Analysis of Atul Subhash Case' (Lawful Legal, July 2025) <<https://lawfullegal.in/invisible-victims-a-critical-analysis-of-atul-subhash-case/>> accessed 23 November 2025

⁴ *Jane Kaushik v Union of India* 2025 INSC 1248

to all manner of cruelty in marriage as women are. Legally and sociologically, cruelty encompasses a wide range of abusive behaviours, psychological, emotional, physical, and economic. As defined in Black's Law Dictionary, cruelty refers to the intentional and malicious infliction of mental or physical suffering. Indian jurisprudence, particularly under the Hindu Marriage Act, 1955 and as affirmed in *G.V.N. Kameswara Rao v. G. Jalili*, the Supreme Court also recognises both mental and physical cruelty as legitimate grounds for divorce, without any discrimination of the gender of the victim.⁵

Theoretically, the issue of the victimised male is already identified in the law, but in the real world, the issue of the latter is on the periphery. The perspectives of society on a man as the individual being stronger and more resilient to emotions do not allow for the fact that the man can be an abuser. The stereotype preconditions the situation of distrust and mockery, when the male victim is stared at or simply disregarded. In research, the men will barely report the abuse as they fear losing their manhood, and the social stigma will be created around them as being abused.⁶ One type of domestic violence is grossly underreported and underestimated.

The nearest abuse that appears to cross through marriages used by men is emotional abuse. Section 498 A IPC or domestic Violence Act, 2005 does not have any alien false criminal charges. Many of the men lament about humiliation, verbal degradation, and forced social seclusion by their wives. Dowry harassment is so severe that it leads to psychological trauma as well as suicides, as the unfortunate case of Subhash Atul reveals, as well as to the physical violence on the male side, though it is less reported.

A study done in the U.S. and India indicates that approximately one in every three men undergo physical abuse such as being slapped, pushed and having something thrown at them during intimations in their marriage.⁷

The economic abuse, such as the extortionate maintenance and alimony demands, is frequently done via the legal system. There are instances of financially empowered women who take advantage of legal systems to drain some money or manage assets at the expense of men who are left crippled economically. Legal harassment constitutes a unique group of sadism where

⁵ *G V N Kameswara Rao v G Jalili* AIR 2002 SC 576

⁶ Abhijeet Ghosh and Ambika Kumar, 'Cruelty Against Men: Neglected Narrative from a Male's Perspective' (2024) 6(2) *Journal of Psychosexual Health* 117–129

⁷ Monika Bhardwaj and Neha Sawhney, 'The Unseen Wounds of Male Victims of Gender-Based Violence: A Comparative Study of India and USA' (2025) XIV(III) *International Journal of Latest Trends in Engineering and Management Sciences* 434–436

men undergo years of unfounded and unproven litigation, which, in addition to losing their reputation lead to serious emotional and financial stress.⁸

The conventional construct of conceptualising cruelty in marital status has to be changed to address realities in the lives of male victims. The legislation should leave its gendered cage, and society should disregard the prejudices to understand that it is not only one gender of people who are in the mood for cruelty. It is only then that we can start to deal with the systemic silence of the invisible victims of marital abuse.

3. INDIAN LEGAL FRAMEWORK RELATING TO CRUELTY IN MARITAL RELATIONSHIPS

3.1. Existing legal framework, female centric Approach

The Indian law has always known the susceptibility of women in marital relationships, especially where dowry-related cruelty and harassment are involved. This prompted the introduction of Section 498A of the IPC in 1983.⁹ In *Bharatiya Nyaya Sanhita, 2023*, though, there is a change of structure: the punitive clause is now found in Section 85, whereas a separate and independent definition of the term cruelty has been put in Section 86. This disentanglement seems to explain and codify the offence instead of limiting its repercussions by decoupling the definition of the offence and its punishment.

The aim of this was to provide criminal penalties to women as a form of protection in the face of cruelty and any form of abuse, whether mental or physical, by a husband or other family members. It was noble in its intent to deal with the alarming increase in domestic violence and dowry deaths. Nevertheless, a blanket implementation of this section without procedural protection has created a lot of concern about the abuse of this section. In some instances, the courts have found that the Section 498A has occasionally been used as a sword rather than a shield, not only against husbands, but also against their elderly parents and far-flung relatives.¹⁰

The Protection of Women against Domestic Violence Act, 2005, further strengthened the legal landscape through civil remedies to aggrieved women, such as protection orders, residence, monetary compensation and even custody of a child. However, the Act is very much gender-focused; it identifies an aggrieved person as a woman only, and consequently does not legally

⁸ Manjot Kaur and Garima Narula, 'Cruelty Against Husband in India: A Socio-Legal Analysis' (2024) 30(5) EATP 9104–9115

⁹ Indian Penal Code 1860, s 498A

¹⁰ *Sushil Kumar Sharma v Union of India* (2005) 6 SCC 281

recognise male victims of domestic violence.¹¹This exclusion presents a constitutional challenge in Article 14 that provides equality before the law and protection of the laws.

Equally, under the Dowry Prohibition Act, 1961, both the giving and the taking of dowry are banned as well as the demands made in connection to dowry and criminalised in Sections 3 and 4.¹²Although it works in theory, there have been faults with its implementation. Instances of misuse of dowry laws have been many to score personal scores or to get monetary gains.¹³This has caused men and their families to be wrongly harassed by unclear and generalised accusations that do not have any substantive basis, hence compromising the integrity of the true case.

3.2. Lack of Legal Provisions for Male Victims.

Although the nature of society and family has changed and diverse facets are open to discussion, Indian law has not yet come to terms with the fact that men also can suffer cruelty in marriage. No civil or criminal statutory provision or even a statutory provision that identifies or responds to the abuse of men in the domestic environment is available. The male victims are left to depend on the general provisions, such as assault or grievous hurt in the IPC, which are not able to be able to address the special provisions of domestic cruelty.¹⁴

This is, in large part, due to the legislative assumption that only women are vulnerable to the dangers caused by domestic violence, an assumption that is being openly debunked by some empirical research and judicial observations. Nations like Canada, Australia, or the United Kingdom have already shifted towards the gender-neutral legislation of domestic violence, as these nations have realised that abuse is not a gender-specific issue. Regrettably, India still lives under the legislation based on the obsolete gender dichotomies.¹⁵

Family laws, based on the language applied, are consistently one-sided, with words such as husband being the perpetrator of the crime and wife being the victim. This does not give a chance to legalise the suffering of men, hence depriving them of justice. This has been made

¹¹ Akanksha Jamre, 'Invisible Victims: A Critical Analysis of Atul Subhash Case' (Lawful Legal, July 2025)

¹² Dowry Prohibition Act 1961, s 3 & 4

¹³ Manjot Kaur and Garima Narula, 'Cruelty Against Husband in India: A Socio-Legal Analysis' (2024) 30(5) EATP

¹⁴ *Id*

¹⁵ Ashish Virk, 'Does Indian Law and Feminism Discriminate Against Men? A Comparative Study' (2018) BLR 52

easier by the failure to revise laws to be able to accommodate this reality, which has helped in keeping the male victims invisible.

3.3. Judicial Pronouncements

The Indian judicial system has, over the last few years, shown apprehension regarding the malpractice of the protective legislation and the necessity of having a more balanced legal stance. In *Sushil Kumar Sharma v. Union of India*, the Supreme Court has indicated that even though the introduction of Section 498A was done with an intention of preventing dowry harassment, it has been applied in certain instances as a legal terrorism instrument. The Court has observed that the misuse of the provision was victimising innocent individuals, rather than strengthening legitimate cases; therefore, the use of the provision is supposed to be cautious and unbiased.¹⁶

Similarly, in the case of *Arnesh Kumar v. State of Bihar*, the Supreme Court gave orders to prevent the automatic arrest of the accused under Section 498A. It underlined that they ought to carry out some checks prior to denying a person the freedom. This case marked a significant change to a fitting punishment procedure, and in addition, safeguarding against judicial over-reach as well.¹⁷

A contemporary and educative situation is observed in the case of *In Rajesh Chaddha v. State of Uttar Pradesh*, the Supreme Court allowed the conviction to be thrown out under Section 498A IPC, and Section 4 of the Dowry Prohibition Act.¹⁸ The Court has set a very high standard of specificity and corroboration, which a conviction could not stand based on vague, omnibus and unsupportable assertions, especially when the accused was a distant relative. It warned of the usual connotation of the extended family members in the absence of tangibles, and it observed that such trends weaken the law. *Sanjay D. Jain and Ors. v. State of Maharashtra*¹⁹ confirmed this view, stating that in the absence of particular allegations and supporting material, cruelty will not be considered under this approach, and FIRs are quashed.

Similarly, under the case of *Jyoti @ Kittu v. State*, the Delhi High Court denied anticipatory bail to a woman who was accused of pouring boiling water containing chilli powder on her

¹⁶ *Sushil Kumar Sharma v Union of India* (2005) 6 SCC 281

¹⁷ *Arnesh Kumar v State of Bihar* (2014) 8 SCC 273

¹⁸ *Rajesh Chaddha v State of Uttar Pradesh* (2025 INSC 671),

¹⁹ *Sanjay D. Jain and Ors. v State of Maharashtra* (2025 INSC 1168)

sleeping husband. The Court left no doubt that the nature of a violent act does not alter because of the gender of the perpetrator. It is believed that leniency must only be given when it is given based on the gender of the accused, and that would be a fallacy of justice.²⁰ The ruling continued to confirm that men and women should be given equal protection by the law and that domestic violence is a situation that has to be handled without any gender discrimination.

The decisions will be an indication of the rising consciousness among judiciary members of the need to have gender neutrality in matrimonial matters. But, until the day when this kind of awareness is based in the law, the law will still provide an unequal playing field in which others are shielded, and others are neglected.

4. SOCIAL STIGMA AND CULTURAL PERCEPTIONS

4.1. Societal Expectations of Masculinity and Suppression of Vulnerability.

Male victims of domestic violence tend to go out of sight in the discussion on the topic because of socio-cultural beliefs on masculinity and gender roles that are deeply rooted. The society shapes men by creating the image that they are stoic, strong and resistant to emotional and physical attacks, thus reaffirming that they cannot be abusers, and especially by women. The effect of these expectations is a systemic repression of male vulnerability, and this means that any manifestation of emotional and physical distress is attributed to weakness. Such displays are not supported in the Indian cultural context, which further isolates male victims of the trauma from speaking up.²¹

4.2. Unwillingness of Men to Report Abuse because of Scorn or Unbelief.

This is heightened by the fact that there is a strong social stigma placed on male victimhood. When men are abused physically, emotionally or psychologically, they do not need much influence to report this abuse as they might be afraid of ridicule, disbelief or emasculation. The notion that a man who complains that he was being abused by a woman is not manly or even humorous is still prevalent. The dismissive culture results in extreme underreporting and the neglect of the male victims in society to be validated to pursue justice or assistance.

4.3. Family and Social Stigmas on Men Seeking Court Action.

²⁰ *Jyoti alias Kittu v State* Bail Appl No 262/2025 (Delhi High Court, 22 January 2025)

²¹ Sanjay Deshpande, 'Sociocultural and Legal Aspects of Violence Against Men' (2019) 1(3-4) JPH 246-249

Male victims are also silenced by cultural and family pressures. According to Indian culture, gender roles in most Indian families, men are expected to endure hardships in marriage and save the honour of the family by all means. This tends to scare away men from making complaints or seeking legal redress over abusive husbands. The families can go to the extent of discouraging them from going to authorities due to the fear of facing social stigma or being targeted in the counter-accusations of various laws, including Section 498A IPC.²² The effect is the chilling effect, which puts off the men from taking a legal course, thus depriving them of a chance to go and pursue justice.

4.4. Media Presentation and Social Conversation Strengthening Male Privilege Discourses.

And this imbalance is further strengthened by the media and popular discourse, which constantly uses the categories of aggressor and victim in relation to men and women, respectively. The stories of male abuse have been mostly overlooked by popular films, television shows, and news media, thus spreading the male dominance and female victimization stereotype. When male victimization stories are heard, they are normally dismissed as an exception or an exception, but not an indicator of a bigger sociocultural problem. Such a distorted image helps to create the gap in recognition at the policy level and supports the myth of male invincibility.²³

4.5. Mental Health Consequences: Suicide, Depression and Anxiety.

The mental cost of such institutional disregard is enormous. The undiscovered and untreated abuse is subject to long-term psychological problems, including anxiety, depression, and even suicidal behaviour. The psychological effects of institutional neglect and social stigma in the case of internal conflict are deep and far-reaching. When abuse is unrecognised or unaddressed, it often leads to serious mental health problems such as depression, anxiety and even suicide attempts. Data by the National Crime Records Bureau (NCRB) points to a worrying trend: the suicide rate for the Indian population (among married men) is quite high compared to that of married women. This suggests a largely unaddressed mental health crisis, wherein many male

²² Malik JS and Nadda A, 'A Cross-Sectional Study of Gender-Based Violence Against Men in the Rural Area of Haryana, India' (2019) 44(1) IJCM

²³ Sarkar S, Dsouza R and Dasgupta A, *Domestic Violence Against Men: A Study Report by Save Family Foundation* (Save Family Foundation 2007)

victims are suffering in silence because of societal expectations, fear of ridicule and a lack of proper support systems.

However, at the same time, violence against women in marital relationships is also a major concern. According to the NCRB's Crime in India 2023 report, "cruelty by husband or relatives" remains the most reported category of crimes against women, with 1,33,676 such cases, which is almost 29.8% of all such offences.²⁴ This reflects the ongoing vulnerability of women to domestic abuse and the need for robust legal protections.

However, debates have also been raised on the misuse of legal provisions like Section 498A IPC (Now Section 85 of the Bharatiya Nyaya Sanhita, 2023). Empirical discussions, RTI data from Delhi (2024) show very low conviction rates (just 23 convictions in 9,950 trials), and this raises concern about the potential for misuse of the law and the need for procedural safeguards.

All the factors taken together, social stigma, legal challenges, and lack of institutional support can combine to make it an environment where victims and especially men, can feel isolated and psychologically distressed. This points to the urgent need for a more balanced, inclusive and gender sensitive approach to domestic violence that will ensure that genuine victims are protected, as well as addressing gaps which could lead to injustice.

This is very unfair, as the cultural apprehension and stigmatising factors against the male victims of cruelty in marriage relationships generate a profoundly unfair setting. The ingrained concept of masculinity, the lack of belief in society, the family discouragement, and media prejudice all combine to make the male voice be heard. To solve this problem, not only the changes in the legal framework but also the change in the attitude of society are necessary, to realise that males as well can be victims and should be empathised, guarded, and judged.

5. MISUSE OF PROTECTIVE LAWS: A LEGAL FACT OF LIFE?

The legal environment in India has changed to ensure that women are not mistreated and abused in the marital home. Legislation such as Section 498A IPC (since changed to Section 85 of the Bharatiya Nyaya Sanhita 2023), the Protection of Women from Domestic Violence Act, 2005

²⁴ *India records close to 4.5 lakh crimes against women in 2023: NCRB report, The Economic Times* (online, 2024) <<https://economictimes.indiatimes.com/news/india/india-records-close-4-5-lakh-crimes-against-women-in-2023-ncrb-report/articleshow/124230733.cms>> accessed 17 March 2026

and the Dowry Prohibition Act, 1961 were implemented to correct the ingrained gender based violence. Nevertheless, there is increasing information and judicial alarm regarding how such statutes are being inadvertently abused at the expense of innocent men and their families. This is the legal and social contradiction where the law that was designed to protect the victims is used as a means to harass them the heart of this critical debate.

5.1. Domestic Violence Act and Section 498A IPC: Scope and Concerns.

Cruelty by a husband towards his wife or his kinsmen is outlawed in Section 498A IPC, and civil redress is given to wronged women under the Domestic Violence Act. Although these laws had a pure protective intention, they are gender-specific, and their generalised language has led to loopholes that can be abused. Incidents of ambiguous, exaggerated and even totally false accusations have ceased to be exceptional. Opponents suggest that the absence of gender neutrality and procedural protection has contributed to the excessive criminalisation of matrimonial conflicts.

5.2. Empirical Evidence: NCRB and Law Commission Reports.

According to the National Crime Records Bureau (NCRB), the rate of conviction in 2022, under Section 498A IPC, is just 14.4%. More than 85 per cent of the accused were acquitted or discharged. In most situations, the complaints were retired before trial, which implied either false charges or out-of-court settlements.²⁵ In its 243 rd Report, the Law Commission of India recognised that Section 498A was being abused, and it suggested compulsory pre-arrest practices and counselling before filing FIRs in cases of abuse of the Law.

5.3. Judicial Concern and Protection.

Protective statutes have always been recognised by Indian courts as subject to abuse. In *Sushil Kumar Sharma v. Union of India* The Supreme Court warned that Section 498A is used as a weapon causing legal terrorism.²⁶ This Court reiterated the fact that false accusations should be treated with harshness and that the legislative intent of the provision should not be an application of oppression.²⁷

²⁵ National Crime Records Bureau, *Crime in India 2022* (Ministry of Home Affairs, Government of India) ch 13, table 13A

²⁶ *Sushil Kumar Sharma v Union of India* (2005) 6 SCC 281

²⁷ *Id*

Later, in *Arnesh Kumar v. State of Bihar*, the Court gave precise guidelines to be followed by the police officer while dealing with cases under Section 498A of the IPC. The police officers are not to automatically arrest the accused in case a Section 498A is registered; they should be persuaded that arrest is necessary under Section 41 CrPC; and release from detention must be obtained by the Magistrates.²⁸ These protections were supposed to prevent arbitrary arrest and support the liberty right.²⁹

In *Rajesh Sharma v. State of U.P.*, the Supreme Court again suggested the formation of Family Welfare Committees at the district level in order to first scrutinise the truth of the complaints before FIRs were registered.³⁰ This mechanism was subsequently revoked in the case of the Social Action Forum for Manav Adhikar v. Union of India. The judicial issue raised was the unchecked misuse of criminal law.

In *Shivangi Bansal v. Sahib Bansal (2025)*, the wife's claims were found to be imprecise and unsubstantiated, and the complaint was dismissed by the Supreme Court, which, in a rare exercise of its powers under Article 142 of the Constitution, dissolved the marriage. The Court noted 109 days served by the husband in jail, and the exoneration of his father and ordered a public apology by the family of the woman to compensate the damage to the husband. Importantly, the two-month cooling-off period was also supported by the Court, with a preliminary reaction to Family Welfare Committees being encouraged, in order to avoid misuse of this provision, and the essence of the law was preserved.³¹

The Court approved the guidelines of the Allahabad High Court of 2022 on protection against the misuse of Section 498A. These are two months of cooling-off before arrest, referral of cases before Family Welfare Committees, establishment of FWCs by the District Legal Services Authority consisting of retired judges and trained mediators, and limitation of arrests to non-grievous cases. The Court also provided that the police officers should be specifically trained in dealing with matrimonial matters, and furthermore, the officers in charge of the investigations should not be mechanical, but should evaluate the case at hand and decide whether to arrest them or not.³²

²⁸ *Arnesh Kumar v State of Bihar* (2014) 8 SCC 273

²⁹ *Id*

³⁰ *Rajesh Sharma v State of Uttar Pradesh* (2017) 8 SCC 746

³¹ *Shivangi Bansal v Sahib Bansal* 2025 LiveLaw (SC) 375

³² *Id*

5.4. The Role of Police: Arrest First, Investigate Later?

One of the most significant issues in the misuse debate is the police's approach to matrimonial complaints. Traditionally, police have been quick to arrest the accused without verifying the truth of allegations. This has led to unnecessary incarceration, reputational damage, and violation of the principles of natural justice. The Supreme Court in *Arnesh Kumar* highlighted this concern, stating that arrest should not be automatic and must be based on credible preliminary evidence. Police officials who fail to comply with these directions would face departmental action.

5.5. Social and Personal Impact on Male Victims

The consequences for male victims of false accusations are far-reaching. Arrest and prolonged litigation often result in job loss, social stigma, mental trauma, and financial ruin. In many cases, men are also alienated from their children due to ongoing legal battles.

After long legal and personal agony over the case filed under Section 498A of the Indian Penal Code and the Protection of Women from Domestic Violence Act, the case of Atul Subhash (who committed suicide), was a new focus on the psychological and emotional cost that such litigation may have on husbands accused. His suicide video and note caused a broader societal debate and eventually resulted in a Public Interest Litigation to the Supreme Court in 2025 to amend the laws on domestic violence and cruelty to make them gender-neutral, and to add protection.³³ It is against this background that the decision handed down by the Supreme Court in *Rinku Baheti v Sandesh Sharda* takes on a special weight since it is an indication that the court is moving towards a more moderate approach of protecting and being fair in this context, in matters of matrimonial disputes.³⁴

The Court made a subtle look at maintenance and alimony in *Rinku Baheti* when it performed its functions under Article 142, to administer complete justice. It abandoned a mechanistic or entitlement-based strategy and instead, it explained an eight-point framework based on proportionality and reasonableness. The Court pointed out that the word duration of marriage, financial independence of the wife, standard of living, contribution to the marital assets, and the general conduct should be used to determine maintenance. Notably, it warned that it must

³³ *In Re: Atul Subhash Suicide Case & Domestic Violence Law Reform* (PIL, Supreme Court of India, 2025)

³⁴ *Rinku Baheti v Sandesh Sharda* 2024 INSC 1014 (SC)

not be punitive or excessive in maintenance, particularly in marriages that were in the short run, and in which no significant common property had been generated.³⁵

The eight-point framework that has come as a result of the judgment entails:

- (i) length of marriage;
- (ii) standard of living in marriage;
- (iii) financial ability of the husband;
- (iv) independent income and assets of the wife;
- (v) her educational qualifications and employability;
- (vi) contribution to marital assets;
- (vii) distinction of reasonable needs and exaggerated claims; and
- (viii) overall facts and conduct of the parties.

All these points point to a trend of equity in maintenance, whereby although financial maintenance maintains the dignity, it does not act as a tool to tax the husband unduly or as a tool to enrich the husband disproportionately.³⁶

5.6. The Path Forward: Need for Legal Reform and Balance

There is also a need to have protective laws in a patriarchal society, but the abuse of these laws must be avoided in a just legal system. They are in desperate need of the incorporation of gender-neutrality provisions, greater scrutiny of complaints, and prosecution of the false complaints and their criminalization. According to the Shivangi Bansal case, among other court pronouncements, it is clear that everyone, irrespective of gender, ought to be given due process and ought to be treated fairly. Justice cannot be built on supposition and prejudice, but it has to be built on fact, evidence, and equity.

6. COMPARATIVE PERSPECTIVE: LEGAL INTERVENTION IN OTHER JURISDICTIONS IN MEN'S PROTECTION

Because India is speaking about abuse of domestic violence and matrimonial cruelty law, and its gender specificity, a comparative study of other jurisdictions in the world will prove a tendency to have a gender-neutral jurisdiction that aims to offer protection to the victims of any

³⁵ *Id*

³⁶ *Rinku Baheti v Sandesh Sharda* 2024 INSC 1014 (SC)

sex or gender identity. These jurisdictions have realised that men too can be abused emotionally, physically and economically at home, and they have come up with laws and social systems to attract national attention to these realities.

6.1. United Kingdom: Domestic Abuse Act, 2021

The United Kingdom took a landmark step by enacting the Domestic Abuse Act 2021, which is explicitly gender-neutral. It has a very broad definition of abuse and so it encompasses not just physical violence, but also psychological, emotional, sexual and economic abuse and coercive and controlling behaviour. Significantly, the Act also recognises victims regardless of gender, making sure that male victims are not forgotten. It allows courts to grant Domestic Abuse Protection Notices and Orders for any type of victim and requires public authorities to make these available to help agencies, which include helplines and shelters for men.³⁷ That attitude of treating abuse as power, rather than as gender, makes for a smart and feminist approach, where it makes sense in relation to the other disciplines and policies.

6.2. United States: VAWA and State-Level Reforms

The Violence Against Women Act (VAWA) in the United States was initially targeted at only the female victims of intimate partner violence. However, with the passing of time, by virtue of some modifications and judicial interpretations have made it have a broader scope. The VAWA is still gendered in its name, but most of its federal grants stipulate providing services to any victim, men, LGBTQ+ people, and children.³⁸ Additionally, some states like New York, California, and Colorado have developed a system through which the male victims can obtain a restraining order, shelter, counselling, and even an attorney. Other states clearly define domestic abuse in non-gender-specific terms, and therefore, they can provide male survivors with the freedom to not only seek civil and criminal defence but also do so without going through legal barriers.³⁹

6.3. Australia: Inclusive Protection Under Family Violence Laws

Australia presents a more advanced model, especially with reference to the Family Violence Protection Act 2008 (Victoria). It is evident that the law is not specific to gender, nor does it

³⁷ Domestic Abuse Act 2021 (UK), s 17

³⁸ Violence Against Women Act of 1994, s 13925 (US)

³⁹ California Family Code, s 6200 et seq (US)

specify in the terminology of family violence that defines it, other than explaining it in terms of physical abuse, emotional and psychological abuse, economic exploitation and even threat of violence. The male victims and Men (e.g., Men Referral Services) and other organisations are free to have more of the crisis counselling and legal referrals by providing intervention orders. It should be pointed out that the government of Australia has invested in training police and social workers to detect male victims of abuse outside the outdated stereotypical ideas of men being incapable of being vulnerable, as well as of being victims of abuse.⁴⁰

6.4. Canada: Criminal Code and Support Structure Gender-Neutral.

Canada offers male survivorship and good lawyers. There is no gender discrimination in the provisions under criminal code of Canada on domestic violence, assault, criminal harassment, stalking, and intimidation. Both men and women have access to the law in the form of peace bonds, restraining orders and criminal prosecution to protect victims. In addition, the choice of specific provinces, including Ontario and British Columbia, contributes to specific helplines and transitional housing that help men who are victims of family violence. The model currently used in Canada is designed to realise an equal treatment, as well as takes into consideration the special severity of mental health outcomes and the special juridical demands of male victims. The Canadian courts have equally been identified to have begun appreciating the generation of male victims in their verdicts, and consequently, gender issues have been seen to fall flat in opposing the delivery of justice. The result of such changes is that models of security must be moistened toward gender justice and non-restrictive of diversity. Male sexual assault victims do not in any way take away the seriousness of female violence victims; in fact, it must be emphasised that the state of being a victim cannot be a preserve of a specific gender. In the Case of India, where laws like Section 498A IPC and the Protection of Women under Domestic Violence Act are already being used, demonstrates how male victims can use such a framework to seek redress because those tools are not instead of the existing legal and judicial framework of cause and remedy, but have been applied to an area where the existing measures had not been doing enough to remove a serious and prevalent social problem.

⁴⁰ Family Violence Protection Act 2008 (Vic) No 52 of 2008 (Australia)

7. NEED FOR GENDER-NEUTRAL LAWS AND SUPPORT MECHANISMS

Even though this is a highly effective measure towards providing women protection, the Indian legal system on all issues of domestic violence and cruelty has been largely gender specific, particularly concerning the Indian Penal Code policy 498A and the Protection of Women against Domestic Violence Act 2005. As the further question of gender rights and equality is emerging, there is an increasing call to reform, which would bring with it the major non-discrimination in the international human rights tools and the ethos of the Indian constitutional lineage. It is also imperative to realise that although men are in most instances the abusers, men are also the subject of domestic abuse and therefore the legal system must be more receptive and less preoccupied with the area of the scale where men are considered to be the strongest.

One of the most significant arguments in favour of a reform is the Article. Article 14 of the Constitution of India, the Article called Equality before law and equal protection of laws. Nonetheless, as valuable as laws that protect women against gender- based violence are to a deeply rooted society in terms of the patriarchy, it has now been established that when they are made or given an interpretation that has a gendered direction that is driven by a gendered purpose, they can be transformed into means and methods of doing injustice and inculcated. With 14.4 per cent convictions and a huge portion of them withdrawn or acquitted, the cases that have been comprehensively framed by Section 498A IPC do not hold up to conviction. This information singularly creates doubts regarding the efficacy and justice of gender-based legal regulations.⁴¹

Globally, international human rights standards, particularly those articulated under instruments such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), emphasise non-discrimination based on sex or gender.⁴² The CEDAW Committee has also acknowledged the need for domestic violence frameworks to evolve beyond binary gender classifications, recognising male victims and members of the LGBTQ+ community.⁴³ These standards oblige States, including India, to ensure that legal remedies for violence are available to all individuals, irrespective of gender.

⁴¹ National Crime Records Bureau, *Crime in India 2022* (Ministry of Home Affairs, Government of India) ch 13, table 13A

⁴² Universal Declaration of Human Rights (1948) art 7

⁴³ Committee on the Elimination of Discrimination Against Women (CEDAW), *General Recommendation No 35 on Gender-based Violence against Women* (2017) UN Doc CEDAW/C/GC/35

The need for a gender-neutral domestic violence law is therefore not just a legal imperative but a moral one. Countries such as Canada, Australia, and the United Kingdom have enacted laws that define domestic abuse in gender-neutral terms, ensuring that all victims, men, women, and transgender persons have equal access to justice and protection.⁴⁴ Such legislation in India would go a long way in restoring public confidence in the legal system, especially among innocent men who suffer from false accusations or genuine abuse but are denied recognition.

Besides legislative change, there should be support networks made for male victims. Currently, no government-funded helplines, shelters and crisis centres exist in India that target men who are victims of domestic abuse. Such infrastructure is absent, which makes male victims invisible and helpless. Specifically, gender-neutral support services should be created by government structures that are similar to those of other organizations such as the Men's Referral Service in Australia or transitional housing services of male victims in Canada.⁴⁵

The sensitisation of police, medical experts and the judiciary is another important step to be taken. The majority of police and legal staff are conditioned to believe women are the only victims, and most male complainants have been looked down upon or even avoided by scoffs or disbelieving, when they bring their problems to the police. Training programs must challenge these biases and foster an understanding that domestic abuse is not confined to one gender.

Another immediate need is legal assistance. The high number of male victims, especially in the poor categories, cannot afford to occupy themselves with a lengthy period of jail holding that is brought about by fake or exaggerated claims. The State Legal Services Authorities should be made to provide free legal aid to all victims of domestic abuse, regardless of gender. This will ensure that, due to financial incapacities or gender orientations, justice is not denied.

Finally, there should be a re-organisation of the awareness and education institutions, at least in terms of having a more inclusive understanding of gender-based violence. The state should educate the young people in schools, universities, and elsewhere to respect each other mutually, consent and the illegitimacy of any form of abuse. The important thing to break the silence that

⁴⁴ Domestic Abuse Act 2021 (UK) c 17; Family Violence Protection Act 2008 (Vic) No 52 of 2008 (Australia); Criminal Code, RSC 1985, c C-46 (Canada)

⁴⁵No to Violence, *Men's Referral Service – Australia's National Support for Men*<https://ntv.org.au/> Government of Ontario, *Victim Services in Ontario* <<https://www.ontario.ca/page/victim-services-ontario>> accessed 02 Janauray 2026

surrounds the victimhood of males is to break toxic gender roles that constitute masculinity and invincibility.

Gender justice requires a complete re-conceptualisation of legal and social frameworks. An effective progressive democracy should be able to understand that it is not only a particular gender that is a victim, and that the law should be able to provide the shield of protection to everyone without any partiality or bias.

8. SUGGESTIONS

In order to fill the glaring legal and social gaps on the cruelty of men in matrimonial relations, it is necessary to provide a multi-level solution related to the legal changes, institutional adaptation, and social education. The recommendations below would help in establishing a more balanced but gender neutral justice system without taking away the protection that women have received historically.

8.1. Enactment of Gender-Neutral Domestic Violence Legislation

There is an urgent need to amend existing laws particularly Section 498A IPC (now Section 85 of the Bharatiya Nyaya Sanhita) and the Protection of Women from Domestic Violence Act, 2005 to incorporate gender-neutral Provision Despite having been passed to put the criminal law system in India into modern perspective, the Bharatiya Nyaya Sanhita, 2023 nevertheless lacks any clause that deals with the case of being cruel to men in the relationship, thus retaining a gender-driven approach in line with the previous Indian Penal Code Section 498A. This provision of the law is a greater concern when taking into account the recent analysis by the Supreme Court in *Chet Ram Verma v State of Uttar Pradesh* (February 2026), where the Court addressed the issue of whether or not Section 85 BNS could be applied to live-in relationships. The fact that the Court itself was dealing with the applicability of the cruelty provision outside of formal marriage is in itself a pointer to a more expansive and purposive interpretation by the judiciary.⁴⁶

This change is an important doctrinal gateway upon which one can, in some measure, argue that the word husband in the context of Section 85 BNS should not be strictly understood in reference to a legally married male marital partner, but rather it should be viewed through the

⁴⁶ *Chet Ram Verma v State of Uttar Pradesh* (2026, Live law SC 141)

realities of relations in the present day to encompass the concept of partners. Such an interpretation would not only conform to the changing thinking of the Court with respect to acknowledging a wide array of intimate relationships but also contribute to the rationale of the extension of protection against cruelty to all individuals, including male and gender-diverse victims, and hence shift toward a more inclusive legal framework based on dignity.⁴⁷

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The reformed law must recognise abuse perpetrated against any spouse, irrespective of gender, and provide equal access to legal remedies, protective orders, and redressal mechanisms.

8.2. Creation of Government-Funded Support Systems for Male Victims

Currently, there are no dedicated shelters, helplines, or rehabilitation centres for male victims of domestic violence in India. Drawing from models like Canada's shelter programs and Australia's Men's Referral Service, India must establish parallel institutions offering

⁴⁷ *Id*

psychological counselling, temporary shelter, legal aid, and rehabilitation services tailored to men.

8.3. Mandatory Pre-Litigation Mediation and Safeguard

The recommendations of the Law Commission of India (243rd Report) and the Supreme Court in *Arnesh Kumar v. State of Bihar*,⁴⁸ protective measures like compulsory counselling and pre-FIR mediation should be used in every matrimonial cruelty case, regardless of whether the person bringing the case is female or male. It would assist in the minimisation of unnecessary lawsuits and the criminalisation of minor domestic issues.

8.4. Training of the Law Enforcement and Judicial Officers

The law enforcers, family court judges, legal services, and medical practitioners must be trained frequently to educate and identify the instances of male victimization without bias. All the existing gender stereotypes along the line of treating men as dangerous, women as always the victims, have to be changed into a victim-based language and approach.

8.5. Introduction of Family Welfare Committees having a balanced representation

The Supreme Court in the case of *Rajesh V. State of U.P*⁴⁹ laid emphasis on the need for the introduction of Welfare Committees (FWCs). This committee, which consists of the rights activists of the male population, retired judges, and impartial mediators, could assist in judging the domestic violence complaints on a preliminary basis. The Court also suggested in this case that, in case of domestic abuse, before registration of FIR and inquiry should be conducted for the purpose of verifying the allegations.

8.6. Public Awareness and Educational Campaigns

Male victims are often discouraged from seeking legal or any other assistance due to the social stigma and shame. The government, NGOs, and educational institutions need to take comprehensive awareness campaigns that break the patriarchal norms, reshape the notion of masculinity, and encourage victims to report their trauma irrespective of gender.

⁴⁸ *Arnesh Kumar v State of Bihar* (2014) 3 SCC

⁴⁹ *Rajesh V v State of Uttar Pradesh* (2017) 3 SCC 821

8.7. Inclusion in National Crime Surveys and Policy Planning

Data on male victimization in domestic settings should be officially collected and published by agencies like the National Crime Records Bureau (NCRB). This will not only provide empirical evidence for policy planning but also highlight the scale of the issue, currently masked by underreporting.

9. CONCLUSION

Despite the gender of the victim, the cruelty in marriage is a very important human-rights concern. The current Indian legal system is founded on the premise that women are the only ones who are constantly abused, and based on this premise, that the male victims are also in an abusive Marriage relationship without being recognised and assisted. This is promoted by the prevalence of stereotyping of masculinity and by the outdated legal system that cannot even listen to their experiences. The final product is a methodical barring of male misfortune cases, an issue that is inconsistent with the constitutional guarantee of equality in Article 14.

Although it slowly changed, male victimhood is not easily acknowledged by the courts. In particular, several judgments of the Supreme Court- such as Shivangi Bansal v. Sahib Bansal- observation of a slow appreciation of male abuse, but these words do not replace the real legislative reforms; gender-neutral legislation, widespread training and sensitisation of law enforcers, establishment of support groups of victims, and wide education programmes are required. Eventually, any hope of inclusive justice with the marital aspect must be based on the understanding that both genders can be subjects of domination and abuse. As long as the marriage-equality bar is not reached according to the vision of Indian law and society, they will continue to be a modification to the constitutional right of equality and discrimination, resulting in the continuation of injustice.
