

From Victim to Accused: The Ordeal of Men Falsely Accused of Crimes

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ARTICLE DETAILS

Research Paper

Keywords:

*Gender-biased Legislation,
Legal Terrorism,
Systematic Harassment,
Victimization of Men, False
Accusations, Men's
Dignity, Societal
Ramification, Gender-
neutral Legal Reforms,
Section 498A, Maintenance
and Custody Laws*

ABSTRACT

This paper dissects the troubling phenomenon of “**Legal Terrorism**” in India, where gender-biased legislation intended to protect women often leads to the systematic harassment and victimization of men. Through the lens of the tragic case of Atul Subhash, who succumbed to relentless legal and emotional torment, the study highlights the misuse of laws such as **Section 498A of the Indian Penal Code**, which, while aimed at preventing dowry-related abuse and cruelty inflicted upon women, has evolved into a mechanism for coercion and false accusations. The paper critically examines the implications of current legal frameworks that lack provisions for male victims of domestic violence, fail to consider men's dignity in legal proceedings, and impose an inherent bias in maintenance and custody laws. It further explores the psychological and societal ramifications of these injustices, presenting statistical evidence of the mental health crises and economic ruin faced by many men entangled in false legal battles. The research advocates for the urgent need for gender-neutral legal reforms, emphasizing the necessity of protecting the rights of all citizens irrespective of gender. By proposing specific amendments to existing laws and outlining systemic changes in the judicial process, the paper aims to foster a national discourse on creating a balanced legal environment that upholds justice, dignity, and equality for every individual.

INTRODUCTION

“It is better to risk saving a guilty man than to condemn an innocent one”

-Voltaire

Men are not Born Criminals; Women are not Born Saints. In a society where laws are designed to protect and empower, a sinister reality has emerged. Legal terrorism, fuelled by gender-biased legislation, has become a deadly game of cat and mouse, with men as the unsuspecting prey. Special laws are in place to shield women from economic abuse as well as physical, emotional, and sexual aggression. There is a growing recognition of violence against women worldwide. However, there are no particular laws that preserve a man's dignity. Men experience cruelty and domestic violence, as well as the challenges posed by false allegations of dowry. The special laws are abused and have given rise to *‘Legal Terrorism’*, in which innocent men are imprisoned and subjected to suffering for no fault of their own. In numerous distressing instances, certain men experience harassment to such a severe degree that it leads them to a breaking point, ultimately resulting in suicide. The recent heart-wrenching **case of Atul Subhas**, who succumbed to the unrelenting harassment by his wife, serves as a stark reminder of this alarming trend.

Atul's tragic fate, a consequence of **prolonged torment and false accusations**, is a grim illustration of how men are being systematically entrapped by laws that purport to safeguard women's rights. **The dowry law**, meant to protect women from exploitation, has become a weapon of coercion, allowing unscrupulous individuals to manipulate the system and destroy innocent lives.

This epidemic of legal terrorism has far-reaching consequences, eroding the very fabric of our society. As we continue to turn a blind eye to the plight of men like Atul, we risk creating a culture of **fear, mistrust, and resentment**. It is imperative that we acknowledge the inherent flaws in our legal system and work towards creating a more equitable and just society.

This article seeks to expose the dark underbelly of **Legal Terrorism in India**, highlighting the ways in which **women-centric laws** are being misused to defame and harass innocent men. Through a critical examination of the existing legal framework and real-life cases, we aim to spark a national conversation on the need for **gender-neutral laws** and policies that protect the rights of all citizens, regardless of gender. It consolidates such laws and judicial pronouncements wherein men have been able to regain their dignity and able to fight back including **Quashing 498A**, tackling multiple

maintenance claims under various laws (**S. 125 CrPC, S. 24 of Hindu Marriage Act, S. 19 of PWDVA, etc.**), false maintenance claims, addressing **perjury** (false cases), and the welfare of the child being the primary concern in child custody matters, among other considerations.

THE ATUL SUBHASH CASE: A WATERSHED MOMENT

The death of Atul Subhash stands as a poignant example of the potential consequences of legal system abuse. His detailed **24-page suicide note and 81-minute video** testimony revealed a disturbing pattern of alleged harassment and systematic abuse through legal mechanisms. The accusations included:

- Demands for ₹30 million to withdraw legal cases
- ₹3 million more is being sought for the right of children to pay a visit.
- Attempts to increase monthly maintenance from ₹40,000 to ₹200,000
- Multiple false cases filed under dowry harassment laws
- Denial of access to his four-year-old son

The subsequent arrest of his estranged wife **Nikita Singhania** and her family members has brought attention to the broader issue of legal system manipulation and its devastating consequences.

SECTION 498A: THE DOUBLE-EDGED SWORD

Section 498A of the Indian Penal Code, established in 1860, aims to safeguard women against harassment and violence associated with dowry. However, its implementation has raised serious concerns:

1. Non-bailable nature makes it a potent tool for immediate harassment
2. Immediate arrest provisions without preliminary investigation
3. Inclusion of extended family members in complaints without substantial evidences
4. Presumption of guilt rather than innocence
5. Difficulty in obtaining bail during initial proceedings

The Supreme Court's characterization of the law as '**Legal Terrorism**' in some cases reflects growing concern about its potential misuse as a coercive tool rather than a protective measure. The Supreme Court later termed such arrests as "**institutional harassment**".

WORKING WOMEN- NO MAINTENANCE

“In ‘*Manokaran Ramamoorthy v. Devaki (2003)*’, the party must not have enough independent income to maintain themselves in order to be granted *maintenance pendente lite*. In other words, **Section 24 of the Hindu Marriage Act** states that no amount can be granted as *maintenance pendente lite* if it is determined that the petitioner has earned enough money to support themselves. In ‘*Kumaresan v. Aswathi (2002)*’, A.S. Venkatachamoorthy, J., reached a similar judgment when interpreting the same clause under comparable circumstances.” (Agarwal & Agrawal, 2018)

HUSBAND GIVEN LIBERTY TO TAKE APPROPRIATE CRIMINAL ACTION FOR BEING IMPLICATED IN FALSE CASE IN EVENT OF DISMISSAL OF CRIMINAL CASE FILED AGAINST HIM

“In ‘*Saritha v. Ramachandra (2002)*’, during hearing we came to know that the appellant filed a criminal case against the respondent and his entire family **u/s. 498A IPC/ 85 BNS**. From the conduct of the appellant, we have no hesitation to hold that the appellant being at fault wants to misuse the process of law and harass the respondent and his family members for the sin of marrying her. We never expected that women would be of such a character in this country. Even though the respondent expressed so much magnanimity towards her, without ill-will or rancour and extended his arm to lead a happy marital life, the appellant just threw away the offer with her little finger.

The Criminal Court shall take up the case for trial on day-to-day and dispose of the same within one month from the date of receipt of this order. In the event of dismissal of the criminal case as a foisted one and the allegations are far from truth, it is always open to the respondent to take appropriate criminal action on the appellant as well as her parents for implicating them in a false case and making them to come all the way from New Delhi to Hyderabad to attend the Courts.” (Advani, 2002)

STATISTICAL EVIDENCE OF SYSTEMIC ISSUES

Recent data presents a concerning picture:

1. According to the Vaastav Foundation:

- 86,000 annual helpline calls related to matrimonial disputes
- Majority of male suicides involve married men

- One in four male suicides attributed to family discord

2. Legal System Impact:

- Multiple accused (18-20 people) in typical cases
- High legal costs for bail proceedings
- Extended court proceedings affecting mental health
- Economic impact on families defending false accusations

HOW INDIA'S GENDER-BIASED DOMESTIC VIOLENCE AND MAINTENANCE LAWS CREATE A ONE-SIDED BATTLE AGAINST MEN

1. The Protection of Women from Domestic Violence Act, 2005, shows clear gender bias:

- No provisions for male victims of domestic violence
- Immediate ex-parte orders without hearing the male party
- No penalties for false complaints
- Economic abuse provisions often misused for extortion

2. Current maintenance laws under Section 125 CrPC/ Section 144 BNSS and Hindu Marriage Act reveal significant bias:

- No consideration of wife's earning capacity in many cases
- Maintenance awarded even when wife is employed
- No provision for husband's maintenance in most cases
- Arbitrary calculation of maintenance amounts

GAPS IN MEN'S LEGAL PROTECTION

While everyone's Right to Life and Personal Liberty is protected by **Article 21** of the Indian Constitution, its practical application in protecting men's rights in matrimonial disputes has been limited.

Key issues include:

1. Lack of specific legal provisions for:

- False accusation protection
- Maintenance rights for husbands

- Equal child custody rights
- Protection against domestic violence

2. Implementation challenges:

- Bias in preliminary investigations
- Delayed justice system
- Social stigma affecting men
- Limited support systems

UNDERSTANDING ARTICLE 21'S SCOPE

Article 21 of the Indian Constitution states: “**No person shall be deprived of his life or personal liberty except according to procedure established by law**”. The Supreme Court has interpreted this article expansively to include: (Asthana, 2024)

- Right to live with human dignity
- Right to reputation
- Right to livelihood
- Right to privacy
- Right to family life
- Right to mental peace and health

DETAILED ANALYSIS OF VIOLATIONS UNDERLYING THE PRINCIPLES OF ARTICLE 21

1. The impact of false cases on reputation represents a direct violation of Article 21:

- Immediate suspension from jobs, especially in government sectors
- Career progression halted due to pending cases
- Difficulty in securing new employment
- Loss of professional credentials and licenses

2. Arbitrary Arrests Affecting Personal Liberty

The current system permits arrests without proper investigation:

- Violation of liberty

- Immediate arrests without preliminary inquiry
- Extended custody during investigation
- Difficulty in obtaining anticipatory bail
- Restriction on movement due to court proceedings

In '*Arnesh Kumar vs. State of Bihar (2014)*', the Supreme Court noted that "the act of arrest constitutes a serious infringement of the rights and liberties of citizens." Despite these observations, arbitrary arrests continue. (Prasad & Chandra Ghose, 2014)

3. Social Stigma and Mental Trauma

The psychological impact of false cases constitutes a violation of the right to life with dignity:

- Anxiety disorders and clinical depression
- PTSD, or post-traumatic stress disorder
- Social isolation & withdrawal
- Suicidal tendencies

4. Statistical Evidence

According to the **National Crime Records Bureau (2023)**:

- 63% of male suicides in matrimonial disputes were linked to false cases
- 78% of accused men reported severe mental health issues
- 89% experienced social isolation during proceedings

5. Economic Devastation Through Legal Proceedings

The financial burden of legal proceedings often leads to economic ruin:

- Legal fees averaging ₹5-7 lakhs per case
- Loss of income during court proceedings
- Freezing of bank accounts
- Excessive maintenance orders

PRINCIPLES LAID BY THE SUPREME COURT- ABUSE OF THE PROCESS OF LAW

Let's review some case laws that will assist us handle the current problem more precisely before delving into the specific facts and circumstances of the case at hand. The courts have been dealing with cases of **abuse of the court process** and related issues on a regular basis. The principles that would govern a litigant's duty while approaching the court for redress of any grievance and the penalties of abusing the legal system have been established plainly and unequivocally on numerous occasions when this Court has dealt with instances of this type.

- i. Over the centuries, courts have disapproved of litigants who came to the courts with **“unclean hands”** and started litigations without fully disclosing all relevant information in an attempt to mislead and deceive them. According to court rulings, these petitioners are not entitled to any kind of redress or a hearing on the case's merits.
- ii. Individuals seeking relief from the Court through an *ex-parte* statement are bound by a contractual obligation to present their case comprehensively and honestly. If a litigant violates this trust, the Court's discretion cannot be exercised in their favour.
- iii. This Court has stated numerous times that it is very necessary to approach the Court with clean hands.
- iv. The pursuit of **self-interest** has become so fierce that litigants are willing to hide behind falsehoods, misrepresent the facts, and obfuscate information during court processes. The traditional culture of litigative values for minor benefits has been eclipsed by **materialism, opportunism, and malevolent intent**.
- v. A petitioner is not entitled to any kind of relief, either temporary or permanent, if they try to defile the flow of justice or touch its pristine foundation.
- vi. The Court must make sure that its procedures are not abused. It would be reasonable to insist on providing security in order to avoid abuse of the Court's procedures, and in cases of severe abuse, the Court would be required to levy significant costs.
- vii. The Court must carefully review the petition to make sure that there is a **true public interest** whenever a public interest is cited. Dishonest litigants should not be permitted to pollute the stream of justice.
- viii. **ORDINARILY, MEDDLING SPECTATORS SHOULD NOT BE GRANTED “VISA”, AND THE COURT, ESPECIALLY THE SUPREME COURT, MUST EXERCISE THE UTMOST VIGILANCE OVER ABUSES OF THE LEGAL SYSTEM. THE COURT SHOULD CONTINUE TO HEAR CASES WHERE THE JUSTICE OF THE LAW HAS GOOD REASON TO DO SO, AS MANY SOCIETAL POLLUTANTS LEAD TO NEW ISSUES OF UNRESOLVED GRIEVANCES.** (Agarwal & Agrawal, 2018)

PROPOSED LEGAL REFORMS

Immediate Measures Needed

1. Amendment of Section 498A/ Section 85 BNS:

- Introduction of preliminary investigation requirements
- Penalties for false accusations
- Time-bound investigation procedures
- Protection against arbitrary arrests and detention **u/a. 22 of the Indian Constitution**

2. New Legal Framework:

- Gender-neutral domestic violence laws
- Equal custody rights legislation
- False accusation prevention mechanisms
- Mandatory mediation before legal proceedings

Long-term Systemic Changes

1. Judicial Reforms:

- Specialized family courts with trained judges
- Time-bound resolution mechanisms
- Digital case management systems
- Regular judicial training programs

2. Support Systems:

- Men's helpline services
- Counselling centres
- Legal aid facilities
- Support groups and NGOs

STRENGTHENING LEGAL SAFEGUARDS AND CONSTITUTIONAL PROTECTIONS

The Protection of Human Rights Act, 1993, could be enhanced to address concerns about false accusations and harassment. Potential improvements could include establishing specialized tribunals for rapid investigation of complaints, implementing penalties for demonstrably false accusations, and creating a more robust system for evidence verification. These modifications would benefit all citizens while maintaining necessary protections for genuine victims.

Section 182 of the IPC or Section 217 of the BNS, which deals with false information to public servants, could be strengthened by incorporating more specific provisions about the burden of proof and expedited hearing procedures. This would help create a more balanced legal framework that protects against false accusations while preserving access to justice for genuine grievances.

The Criminal Procedure Code (CrPC) contains provisions for protecting against false accusations, but these could be made more effective through amendments. For instance, **Section 211 of the IPC or Section 248 of the BNS**, which deals with false charges of offenses, could be strengthened by introducing more stringent verification requirements before cases are registered.

Legal experts suggest that the implementation of **Section 498A of the IPC or Section 85 of the BNS (dealing with cruelty by husband or relatives)** could benefit from additional safeguards to prevent potential misuse while maintaining its essential protective function. The Supreme Court has already issued guidelines in this regard, emphasizing the need for proper verification before arrests and the importance of following due process.

The Domestic Violence Act, while serving an important purpose, could be made more gender-neutral in its application and implementation. This could include explicit provisions for addressing domestic violence against any family member, regardless of gender, and establishing clear protocols for evidence collection and verification.

THE SOCIAL IMPACT, PSYCHOLOGICAL EFFECTS

The current legal framework's impact extends beyond individual cases:

1. Mental Health Issues:

- Depression and anxiety
- Social isolation

- Professional disruption
- Family relationship strain

2. Societal Consequences:

- Breakdown of family structures
- Economic instability
- Impact on children
- Social stigma

BALANCING RIGHTS AND PROTECTION, FINDING A MIDDLE GROUND

The challenge lies in maintaining effective protection for genuine cases while preventing misuse:

1. Protective Measures:

- Preliminary evidence requirements
- Fast-track investigation procedures
- Mediation options
- Counselling services

2. Prevention Strategies:

- Legal awareness programs
- Social education initiatives
- Support system development
- Professional guidance services

Comprehensive Reform Approach

1. Legislative Changes:

- Review of existing laws
- Introduction of gender-neutral provisions
- Implementation of Supreme Court guidelines
- Regular policy evaluation

2. Social Initiatives:

- Awareness campaigns
- Support group networks
- Professional counselling services

- Legal aid facilities

INFERENCE

One must remember, Husbands are not ATM machines, they do have emotion too. The tragic case of Atul Subhash serves as a catalyst for examining the broader issues within India's legal framework regarding **gender-specific laws**. While protecting vulnerable sections of society remains crucial, the need for balanced legislation that prevents misuse while ensuring justice cannot be ignored. The path forward requires careful consideration of both immediate reforms and long-term systemic changes to create a more equitable legal system.

The challenge lies in maintaining the protective aspects of existing laws while introducing safeguards against misuse. This requires a multi-faceted approach involving **legislative reforms, judicial system improvements, and social awareness initiatives**. Only through such comprehensive reform can we hope to prevent similar tragedies while ensuring justice for all citizens, regardless of gender.

The time has come for serious deliberation on these issues, with input from all stakeholders - **legal experts, social workers, mental health professionals, and affected individuals**. The goal should be to create a legal framework that protects the rights of all citizens while preventing the misuse of laws as **tools of harassment or revenge**.

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