

PRESS RELEASE

Section 498A IPC: Protective Shield for a married woman or Weapon against Husband and in-laws?

Section 498A of the Indian Penal Code was inserted in the year 1983 with the noble intention of protecting married women from any sort of cruelty by their husbands or in-laws. This legal provision has served as a vital safeguard for women facing harassment and abuse, enabling them to seek justice and live with dignity but the recent data that I have received through RTI replies from the Delhi District Courts suggests otherwise. 498A of the IPC has become a weapon to settle scores against husbands and his family as there is hardly any conviction under section 498A of the IPC and in majority of the cases the accused husband and his family members get acquitted or the matter gets quashed by the Hon'ble High Court.

That the data received by me are concerning and alarming showing how this shielding section has been misused against husband and his family members in matrimonial cases just for some extraneous malicious reasons. I had queried through my RTI application addressed to all the Delhi District Court regarding the filing of Chargesheet/cases u/s 498A IPC by the prosecution branch before the concerned Hon'ble Court which is mentioned below:

DATA IN RESPECT OF 498A IPC FROM DISTRICT COURTS

Courts	Chargesheet filed since 2021 till date	Conviction since 2021 till date	Acquittal since 2021 till date	Quashing by High Court
Karkardooma, East	950	1	52	511

Rohini, North	1311	1	50	558
Saket, South	1272	4	44	529
Karkardooma, Shahdara	1446	3	69	1191
Tis Hazari, West	1464	6	187	1147
Saket, South East,	1201	2	49	430
Patiala House, New Delhi	502	0	16	289
Rohini, North West	1804	6	269	Data not provided
Total	9950	23	736	4655

These alarming figures indicate that only 0.23% of the cases resulted in convictions, while nearly 47% were quashed by the High Court. The remaining cases either ended in acquittals or are still pending adjudication. The said data are not only shocking but suggest how the police machinery i.e. 15 CAW cells operating in 15 Police District divisions in Delhi having approximately over 500 of the staff working on women's complaint against in-laws and money of public exchequer spent on the investigation of the said matter and also the number of Mahila Courts operating in 11 District Courts having number of Judges, court staff etc and crores of money of public exchequer spending over such matter being wasted just to have the conviction rate of only 0.23% in 498A IPC cases.

That after going through these data I am unable to understand if 498A is there to protect married women from cruelty at the hand of

the members of her in-laws or this section has been widely misused to settle

scores with husband and his family members. When the conviction rate is just 0.23% in 498A cases then what is the need of having 15 CAW cells operating in Delhi having hundreds of police staff? What is the need of having so many Mahila Courts and its staff? Only to get the conviction of 0.23%? It's a serious matter of grave concern but if these data would come out for the public scrutiny, then it's obvious that we and our system would become laughing stock and mockery of our police and judicial system and how it has been misused.

There have also been instances where complaints under Section 498A have implicated nearly every relative of the husband, including individuals with no direct involvement in the matrimonial relationship of the husband and wife. Criminal proceedings u/s 498A has many complex issues such issuance of notice by the CAW cells which has to be complied by everyone whose name have been mentioned in the complaint, issuance of summons by the Courts after taking cognizance and everyone has to take bail and attend trial on each date of hearing. In some cases, individuals come from different states and sometimes even from foreign countries and going through all these processes and proceedings is nothing but just harassment, and harassment for what? Just to have only 0.23% convictions in such cases.