

Satisfy Your Ego At Your Cost Judicial Fight in Matrimonial Disputes: Mental Status Quo of Litigants: Insights from Interview Data and Case Laws

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ABSTRACT:

“If the law fails to respond to the needs of changing society, then either it will stifle the growth of the society and chock its progress or if the society is vigorous enough, it will cast away the law which stands in the way of its growth. Law must therefore contently be on the move adapting itself to the fast changing society and not behind”. - Justice Bhagwati. (9)

Matrimonial Disputes involving Domestic Violence, Divorce, Child Custody Case, Mental Harassment case, are sort of cases, where Complete Family of Bride and Groom (Husband/Wife, Men/Women), gets disturb and involved leaving spacious broom of emotions and financial burden including time and stress for oneself. This study analysis way of dealing this mix, is handled. This study focuses on, complexity of emotions and dealing way with these issues while litigation is on, that is when case is going on. And what role do these basket of emotions play in concluding Litigation.

1. INTRODUCTION:

(14) Broken homes, strained marital relation share only a source of extreme anguish for the individual concerned, they are also symptomatic of social malaise and call for rational and sympatric approach.

Globalization has challenged patriarchy in India by facilitating women's education, workforce participation, and rights advocacy. The shift to nuclear families has further empowered women to assert their rights and seek equality. The diminishing role of caste in marriage has also increased women's choices. Overall, the status of women has progressed from historical declines to contemporary recognition of equal rights, supported by constitutional provisions for equality, dignity, and freedom from discrimination.

Change in System of Culture (Joint Family to Nuclear Family System) to Enhanced Education, and more focus on Me factor has played a drastic role changing attitude of litigants (Man/Woman) towards matrimonial disputes. Divorce became a legal option in British India in 1869, with Rukhmabai Raut recognized as the first divorcee after seeking a divorce in 1885 to escape an unwanted child marriage. Another notable case is that of Mrs. Durgabai, who ended her marriage after being wed at age 8. In 1963, the case of Smt. Leela vs. Dr. Rao Anand Singh involved divorce on the grounds of cruelty.

WITH REFERENCE TO INDIA, the two major cultural changes in India are modernization and secularization. This changed perspective of men and women towards family life. And their grounds and reasons to file and fight for Divorce. And their attitude towards matrimonial proceedings. (16) Wife's

Persistent Insistence On Living Separately Cruelty to Husband: High Court, A bench headed by Justice Suresh Kumar Kait, while granting divorce to an estranged couple, observed that unlike the West, in India, it is not usual for the son to get separated from his family and his wife becomes integral to it.

This Paper attempts to display mental status quo of litigants (Husband and Wife both) during the litigation process and till process ends. No matter whosoever files the case first. There are several types of litigations, like, matrimonial, civil, criminal, arbitration, underlying variety acts like BNS BNSS Family Courts Act, CPC and many other. But Litigation is Litigation. Relation gets more strained or repaired you get solution or not, mental status quo for both the parties is for sure affected and which also affects their other parts of life and relations of life. My experiences in the field has motivated for finding of the solution.

In Year 2023, Suchana Seth, the CEO of a Bengaluru-based AI firm was arrested for allegedly murdering her four-year-old son in **Goa**. Investigation outcome, was one simple line, Matrimonial Dispute, filled her with unwillingness to see her husband meeting her son. Ongoing litigation were Divorce and Child Custody.

Education, Modernisation, Women Empowerment and Psychology towards Family Life, all these clashed with criminal intentions during Litigation, and the result was news. (24)December 2024 Atul Subhash, who worked for a private firm in Bengaluru, left behind a 24-page death note, giving extensive details of what he alleged was years long of emotional distress of marital issues; multiple cases filed against him and harassment by his wife, her relatives, and a judge based in Uttar Pradesh, policesaid. In Both the cases Litigation was On.

Well, several judgements from Hon'ble High Court also points that wife filing fake POCSO cases against their husband during this litigation, or Husband Filing Divorce if Wife Files Harassment or Domestic Violence Case., Wife filing Harassment, Domestic Violence after her husband files Divorce. To Contrary, each of these cases whether divorce, domestic violence, Guardianship, have all together a different purpose. We cannot generalize this, but various Judgments and step of passing standing orders, to investigate and then arrest and now, to mediate, investigate and then arrest giving chance to apply for bail also points towards same. Points that, widely litigation itself is not taken as solution but as tool to harass each other to mould each other as per their own wishes.

2. LITERATURE REVIEW.

Main emphasis on Legal Literature (Case Laws) along with other supporting academic literature related to Increasing Matrimonial Litigation, Relations and Psychology has been referred to support the paper.

Case laws 2.1

1. Wife files 498A or Domestic Violence to strangle Husband
2. Wife filing POCSO case against Husband to win Custody case
3. Husband acting violent on litigation

2.1(a) Wife files 498A or Domestic Violence to strangle Husband

(9) According to the Justice Mali math Committee's report on Reforms of Criminal Justice System: "The harsh law, far from helping the genuine victimized women, has become a source to blackmail and harassment of husbands and others. Once a complaint (FIR) is lodged with the Police under s.498A/406 IPC, it becomes an easy tool in the hands of the Police to arrest or threaten to arrest the husband and other relatives named in the FIR without even considering the intrinsic worth of the allegations and making a preliminary investigation.

When Husband Files Divorce, Wife files 498A, Domestic Violence. And when Wife Files Divorce, Husband files Child Custody case.

(6) The Hon'ble Supreme Court's observations align with several earlier rulings that have sought to curb the misuse of Section 498-A. In *Arnesh Kumar Vs State of Bihar* (2014), the Supreme Court took a firm stance on the wrongful arrest and imprisonment of individuals based on unsubstantiated complaints under this section (498A CrPC). The Supreme Court has observed that Section 498A of the Indian Penal Code and provisions of the Domestic Violence Act are among the most abused laws. This observation was made during a hearing on a matrimonial dispute. Justice BR Gavai highlighted a case where a man paid ₹50 lakh to his estranged wife despite an unconsummated marriage.

(7) S.498A IPC | Ensure Husband's Distant Relatives Aren't Over-Implicated In Exaggerated Cases : Supreme Court Cautions Courts. The Supreme Court has sounded a word of caution to the Courts to ensure that distant relatives of a husband are not unnecessarily implicated in criminal cases filed at the instance of wife alleging domestic cruelty under Section 498A of the Indian Penal Code. A bench comprising Justice CT Ravikumar and Justice Rajesh Bindal made this observation while quashing the criminal proceedings. (8) The latest Supreme Court guidelines on 498A clarify that husband's relatives cannot be forced to undergo trial in absence of specific allegations of dowry demand. Further important 498A guidelines were laid by Allahabad High Court in *Mukesh Bansal v. State of U.P.*, 2022 SCC OnLine All 395 for a cooling period of 2 months against arrest of accused persons in these cases....

(1) STANDING ORDER NO. 330/2008 GUIDELINES FOR ARREST The Hon'ble Supreme Court of India in the matter of *Joginder Kumar Vs State of UP* (CrI. WP No. 9 of 1994). The text outlines three key points regarding police arrests:

1. While police officers have the power to arrest, they must justify the action beyond just having the authority to do so.
2. Arrests cannot be made routinely based solely on allegations; a reasonable investigation must confirm the validity of the complaint and the necessity of arrest.
3. Arrests cannot be based on mere suspicion; there must be reasonable grounds for the officer to believe that the arrest is necessary and justified. (2) In 2023, Gujarat's family courts registered 27,194 marital dispute cases, a 50% increase over the past two years. The number of cases filed daily rose from 51 in 2021 to 75 in 2023. While cases disposed of were 22,124 in 2021, 29,557 in 2022, and 30,084 in 2023, 31,954 cases remain pending, including over 10,000 divorce cases in Ahmedabad. Nationally, India saw a rise from 4.97 lakh cases in 2021 to 8.25 lakh in 2023, with 11.43 lakh cases pending across the country's family courts. Uttar Pradesh holds the highest number of cases among states. (2) IN THE SUPREME COURT OF INDIA CRIMINAL APPELLATE JURISDICTION CRIMINAL APPEAL NO. 4003/2024 ARISING OUT OF SLP (CRL) No. 4044 of 2018. The Court dismissed the domestic violence complaint after a detailed examination of identical allegations, which were deemed false and untenable. The case highlights an abuse of the criminal process, and it would be unjust to subject the appellants to the full criminal law process. (2) In *Achin Gupta v. State of Haryana*. The text addresses the court's power to dismiss proceedings that are considered an abuse of the legal process, which could obstruct justice. It asserts that if a complaint lacks an actionable offense, the court can evaluate the facts to assess the validity of any charges, even while accepting the allegations as true. Ultimately, it concludes that pursuing criminal proceedings against the appellant is an abuse of process, requiring intervention by the High Court to quash the case under Section 482 of the Cr. P.C. (2) Similar view is taken by this Court in *Joseph Salvaraj A. v. State of Gujarat*¹⁰; *A.M. Mohan v. State*¹¹; *Mamta Shailesh Chandra v. State of Uttarakhand*¹² In (3)

THE RUNAWAY JUDGMENT: LAW AS LITERATURE, COURTCRAFT AND CONSTITUTIONAL VISIONS KALYANI RAMNATH* we can make out how impactful judgements are. (4) **Abysmal State of Affairs That Litigants Prefer False Complaints in Matrimonial Disputes: Delhi High Court Quashes FIR.** (4) Delhi High Court has recently observed that it is an “abysmal state of affairs” that litigants have resorted to preferring false complaints in matrimonial disputes against the opposite party, thereby making a mockery of the judicial system. “It is an abysmal state of affairs that litigants have resorted to making a mockery of the judicial system by preferring false complaints (5) “In the present case, admittedly the dispute arose due to matrimonial discord between the parties. The petitioner is stated to have clear past antecedents. The FIR lodged under provisions of POCSO have admittedly been lodged owing to misunderstandings between the parties,” the Court said. Justice Dinesh Kumar Sharma acknowledged the matrimonial nature of the disputes and the amicable settlement.

He noted that such cases often burden the criminal justice system and directed the petitioner, a lawyer, to handle ten Pro bono cases. The compliance report is to be filed within a month.

(21) Karnataka High Court gives liberty to man to prosecute wife for making false charge of offences against him

In a rare instance, the High Court of Karnataka has given liberty to a 35-year-old man to initiate proceedings against his wife for malicious prosecution or proceedings under Section 211 of the Indian Penal Code for making the false charge of offences, including the offence of dowry harassment, against him. The court said the husband can initiate proceedings against the wife, if he so desires. S. 498A IPC |

(22) Supreme Court Imposes Rs 5 Lakh Cost On Wife's Father for Filing False Cases at Different Places to Harass Husband. The Supreme Court on Friday (April 19) imposed a cost of Rs.5 Lakhs on a wife's father for lodging a false Section 498A IPC case at different places against the husband to harass him by facing trial at different places. “We thus deprecate this practice of state machinery being misused for ulterior motives and for causing harassment to the other side (husband). (23) S. 498A IPC Can't Be Applied Mechanically in All Cases Where Wife Complains Of Harassment Or Ill-Treatment By Husband: Supreme Court

2.1 (b) Wife filing POCSO case against Husband to win Custody case

(18) In N.Chandramohan v/s The State the wife had made a complaint against the husband stating that a sexual assault was committed by him against their daughter. The false accusations were made to get full custody of the children. The elder daughter (victim) had denied all the allegations before the court.

In the case of Suhara and Other v/s Muhammad Jaleel, it was observed that there has been a significant amount of increase in the number of fictitious cases which were filed against the father under the POCSO Act. Children are being increasingly used as a means to harass and intimidate the other party in the justice system. The High Court of Delhi has expressed disapproval for the same in the landmark judgment of Suhara and Others v/s Mohammed Jaleel observing that “this tendency is growing and making serious allegations in order to win in the matrimonial battles.”

A similar instance took place before the Kerala High Court when a wife accused her husband of sexually assaulting their son, in order to restrict and prevent him from meeting and having any kind of interaction with the child. The husband and wife were in the process of dissolution of their marriage in the family court. The wife alleged that the husband had shown nude photographs to their son (victim) and touched his private parts during the court-allowed interactions.

(19) Blatant abuse of law': Delhi woman fined Rs 1 lakh for filing false Pocso case, **the** court observed that it was clear that she made a false complaint in a fit of anger and to save herself from daily quarrels.

Additional Sessions Judge Susheel Bala Dagar issued the order while hearing a case against the girl's mother, who was accused of making a false deposition. She has been found to have misused the provisions of the Pocso Act by filing this false case on a false complaint in order to settle the property dispute, thereby leading to humiliation and defamation of the accused persons. She also tried to misuse the criminal justice system," the court said in an order dated November 17. It said people, such as the woman, were "frequently" registering fictitious cases under the Pocso Act because of land disputes, marriage disputes, personal grudges, political motives, or for personal gain to humiliate the accused by holding them in jail for an extended length of time. (20) HC decries filing of frivolous complaints over matrimonial disputes The Kerala High Court has denounced the practice of wives filing frivolous complaints against their husbands over matrimonial disputes, accusing them of sexually assaulting their minor children. Justice P.V. Kunhikrishnan made the observation while recently quashing a case registered against a man on his wife's complaint charging him with the provisions of Protection of Children from Sexual Offences (POCSO) Act and the Juvenile Justice Act.

2.1 (c) Husband acting more violent in lieu of litigation.

(25) Husband killed wife brutally in a heat of passion leaving husband with a wounded pride: Bom HC decides whether the said offence will come under "Murder" or "Culpable Homicide not amounting to Murder" Bombay High Court: Stating that, in the moment of anger spouses almost forgot about the two children who were hardly three years.

(26) In Chinan and Hema matter, it was observed, their acrimonious legal battle thereafter was the root cause of the twin murders, said the prosecution. (27) In October 2023, Chintan Upadhyay was convicted of murder and sentenced to life in prison by a Dindoshi court. (30) Man kills estranged wife for demanding maintenance amid divorce case at Karnataka court. Jagadeesh and Sheela separated 10 years ago and a divorce case was on in the court, the Karnataka Police said. (32) In matter where husband ashwin parmar killed his wife Di[ika because she filed divorce case

Psychology 2.2

3. METHOD

3.1 Research Question

One of the questions raised by several case laws verdict by Hon'ble Supreme Court of India and Hon'ble Delhi High Court, related to abuse of criminal proceedings in matrimonial disputes, the above mentioned concern was posed and reframed as query as:

This increasing trend of cross litigation and increasing criminal tendency in matrimonial disputes is not only threat pose to Indian Heritage but also negative mentality of educated and highly educated people which includes both men and women.

3.2. Participants

The participants were 20 litigants with ongoing matters. (10 females and 10 males) ranging age from 28 to 45. 10 relatives of bride/groom 40 to 70, ranging age from 20 Lawyers (New Delhi and Gujrat) dealing with these matters. 1 retired Judge (New Delhi).

3.3 Data Collection and Analysis

Data were collected through semi-structured interviews, allowing interviewees to expand on their experiences with mental status, stress, and anxiety during matrimonial disputes. This format, as described by Dörnyei (2007), combines prepared questions with the flexibility to explore interesting developments, promoting a deeper introspection. Participants were informed that the focus was on their mental

experiences during legal proceedings, but confidentiality was maintained due to the personal nature of the topics discussed. In order to obtain relevant data the following questions were asked (2):

- Do you still love your partner?
- Why do you not settle your matter (either get divorced or start co habit)
- When did you started this litigation? Did this litigation really helped you in any ways or has increased or decreased your issues since that time?
- Do you feel stress or anxiety during court dates?
- Do you think your partner is at fault and if he/she wants matter can be resolved?
- What outcome you expect from this litigation?
- Do you talk to your partner non officially during the period of two court dates?
- What do you feel after leaving court after each court proceeding? The gathered data were subjected to qualitative and quantitative analysis. The analysis started with partial transcription of the important parts of the data (Dörnyei, 2007) on a computer word processor program Microsoft Word 2016. Then the transcribed parts of the data were read several times in order to look for common themes and frequently occurring information. The recurring ideas were coded and recoded, revised and updated. The researcher used the highlighting function of the word processor program which allows the user to highlight the text on the transcript with different colours and comments to record any observations and thematic categories recognized in the data. The emerged categories were reviewed, compared, modified and either merged or abandoned. It should also be noted that the obtained data were analysed quantitatively. This type of analysis involved counting the number of the interviewees' responses and calculating percentages.

4. RESULTS AND OUTCOMES

(28) Man and friend arrested for killing wife days after wedding. Two days after a newlywed woman was found dead at her in-laws' home in Palode in Thiruvananthapuram district, her husband and his friend have been arrested by the police on charges of abetting her suicide, physical and mental harassment and domestic violence, police said. (29) In [Jayantilal Verma v. State of MP (now Chhattisgarh), 2020 SCC OnLine SC 944, decided on 19.11.2020]. it was found that Husband murdered his wife during domestic violence act. (31) In Gargi vs State of Haryana on 19 September, 2019, wife faced trial for murder of her husband but was not convicted getting benefit of doubt. In this matter, husband already complained about being harassed by his wife to his friend. (33) Save Indian Family Foundation³⁵, an organization working on men's rights, opposed the move to make dowry law compoundable; instead demanded that the Section be made a bailable one. According to the organization, misapplication of dowry laws is not a recent phenomenon and the judiciary of India is completely accountable for the mounting misappropriation of dowry law and the consequential exploitation of innocent men in the process

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