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FEMALE PERPETRATORS IN MATRIMONIAL CRIMES: AN ANALYTICAL STUDY

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ABSTRACT

While matrimonial crimes have traditionally been viewed through the lens of male perpetration and female victimization, recent years have seen an emergence of cases where women themselves are implicated as perpetrators. This paper seeks to explore the evolving role of female perpetrators in matrimonial crimes, examining the socio-legal dimensions, the judicial attitude, and the legislative framework governing such incidents. It also aims to identify the biases in the legal system and the need for a gender-neutral approach to matrimonial offences.

Keywords: Female perpetrators, matrimonial crimes, gender-neutral laws, legal bias, Section 498A, domestic violence, false allegations.

1. INTRODUCTION

In India, matrimonial crimes have traditionally been interpreted through a patriarchal lens, viewing women primarily as victims of their circumstances. This perspective has shaped societal attitudes and legal frameworks, emphasizing the suffering of women in cases of domestic violence, cruelty, and other marital disputes. However, a growing number of reported incidents involving women as perpetrators of matrimonial crimes has begun to challenge these long-standing narratives. For instance, cases of female-induced cruelty, domestic violence, blackmail,

and even abetment to suicide highlight the complexity of modern marital relationships, especially in urban environments. This evolving landscape necessitates a critical reevaluation of the existing laws, which have been predominantly designed to protect women while often overlooking instances where they may be culpable for their actions.

The historical context of matrimonial crimes in India stems from deeply entrenched patriarchal values that have long governed family structures and gender roles. Traditionally, women have been perceived as vulnerable entities needing protection against male aggression and dominance. Laws such as the Domestic Violence Act and various provisions under Section 498A of the Bhartiya Nyay Sanhita (BNS) were enacted to safeguard women from domestic abuse and cruelty. While these laws have served an essential purpose in providing a mechanism for justice to countless women who have suffered at the hands of male relatives, the simplification of the narrative has also paved the way for misuse. Instances where women have misused these laws to settle personal scores, extort money, or gain favorable custody arrangements are becoming more noticeable, particularly in metropolitan areas where social dynamics are shifting.

The increasing visibility of female perpetrators in matrimonial crimes raises critical questions about the gendered assumptions underpinning legal protections. For example, the notion that women are inherently less capable of committing violent acts or psychological manipulation is being challenged by stories that emerge from urban settings, where women who once held traditional roles are finding new expressions of agency. Reports of women engaging in acts of domestic violence or psychological abuse reveal a more nuanced reality that must be acknowledged within both societal and legal contexts. Such cases illustrate that the dynamics of power and control in relationships are not strictly defined by gender; instead, they manifest in various forms that can involve both men and women as aggressors.

This paradigm shift is indicative of a broader societal transformation where women's roles and expectations are rapidly evolving. As women pursue education and career opportunities, they gain financial independence and, in some instances, a newfound assertiveness within marital relationships. This empowerment can lead to an altered balance of power, resulting in situations where women may feel emboldened to act in ways that fall outside traditional victimhood. However, this transition has not been met with an equally adaptive legal response. The laws

intended to protect women often fail to accommodate the reality of their potential culpability, which raises concerns about fairness and justice for all parties involved in matrimonial disputes.

The debates surrounding the legitimacy of existing laws must be approached with sensitivity and a commitment to justice for all individuals. While it is imperative to continue safeguarding victims of domestic violence—often women—it is equally essential to recognize that not every situation conforms to the binary of perpetrator and victim. Legal reforms should consider the complexities of interpersonal relationships where both parties may have contributed to the conflicts at hand. A more balanced approach to matrimonial crimes could involve reexamining the definitions of abuse, victimhood, and agency to ensure they are reflective of current social realities.

In light of these developments, legal practitioners and lawmakers must engage in a detailed analysis of how matrimonial crimes are defined and adjudicated. Possible reforms could include implementing measures to prevent misuse of protective laws, establishing clearer definitions of legal terms to encompass a wider range of harmful behaviors, and ensuring that individuals—regardless of gender—are held accountable for their actions. This integrated approach would not only enhance justice for victims but also foster a legal culture where the potential for culpability exists on both sides of the equation.

The increasing number of cases involving women as perpetrators of matrimonial crimes is reshaping the narrative surrounding these issues. As societal norms evolve and gender roles transform, it is essential for legal frameworks to adapt accordingly. A thorough examination of the existing laws, with an emphasis on equity and justice, can ensure that all individuals are protected and held accountable in matters of matrimony and beyond. Recognizing the multifaceted nature of matrimonial crimes will foster a more nuanced understanding of relationships and reinforce the principle that justice should be blind to gender biases.

2. LEGAL FRAMEWORK GOVERNING MATRIMONIAL CRIMES

Misuse of Matrimonial Cruelty Provisions under the Bhartiya Nyaya Sanhita, 2023

The Bhartiya Nyaya Sanhita, 2023 (BNS), which seeks to modernize and replace the colonial-era Indian Penal Code, has retained and restructured many provisions, including those related to matrimonial offences. Section 85 of the BNS, which corresponds to the erstwhile Section 498A IPC, continues to criminalize cruelty inflicted upon a woman by her husband or his relatives. The provision defines cruelty in broad terms, encompassing any willful conduct likely to drive a woman to suicide or cause grave harm to her life, limb, or mental and physical health. While the intent of this provision under both the IPC and BNS is to safeguard married women from domestic abuse, its application has invited serious scrutiny over the years. Data from the National Crime Records Bureau (NCRB) reveals a persistently low conviction rate (approximately 6%), indicating a significant number of unsubstantiated or exaggerated allegations. This concern was judicially recognized in the seminal case of *Arnesh Kumar v. State of Bihar* [(2014) 8 SCC 273], where the Supreme Court of India acknowledged the rampant misuse of anti-dowry provisions and directed law enforcement agencies to exercise restraint and conduct proper verification before making arrests under such laws.

Although the BNS carries forward the protective spirit of its predecessor, it fails to address the increasing reports of male and elderly abuse by women in matrimonial settings. The exclusive focus on female victims overlooks the growing demand for gender-neutrality in matrimonial offence legislation. The law, as it stands in the BNS, continues to operate under a gender-specific paradigm, which does not account for male victims, or even other family members, who may suffer similar emotional or physical abuse. This raises questions about the constitutional validity of such gendered assumptions, especially in light of Article 14 of the Constitution, which guarantees equality before the law and equal protection of the laws. In this context, while Section 85 of the BNS serves an important function, its one-sided approach necessitates urgent legislative review and reform. Moving toward a gender-neutral framework would not dilute the protection offered to genuine victims but would instead promote a more inclusive, fair, and effective justice system.¹.

3. EMERGING TRENDS OF FEMALE PERPETRATORS

¹ *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273.

The evolving dynamics of gender relations and legal frameworks in modern societies have led to a nuanced understanding of domestic issues, particularly in the context of harassment and abuse. Historically, laws have been devised to protect women from various forms of violence and discrimination, recognizing the systemic inequalities they face in domestic and public spheres. However, in recent years, there has been an alarming increase in instances where women themselves have been implicated in harassing or abusing their husbands and in-laws. This phenomenon raises complex questions about gender, power dynamics, and the legal system's effectiveness in addressing domestic violence comprehensively.

One prominent pattern observable in such cases is the filing of false allegations, particularly in the context of divorce or separation. In some instances, women have reportedly leveraged legal protections intended for victims of abuse to file false cases against their husbands. This misuse can manifest as a strategic maneuver to extort money or gain an advantage in custody battles. The law, designed to shield vulnerable individuals, can become a weapon in domestic disputes when false claims are made. Such tactics not only undermine the seriousness of genuine claims of abuse but also place a heavy burden on the legal system, diverting resources and attention away from authentic victims. The ramifications extend beyond legal challenges, affecting familial ties and societal perceptions regarding domestic violence, ultimately leading to a chilling effect where legitimate cases may not receive the attention they deserve due to fears of false accusations.

Another distressing pattern arises from the manipulation of emotional and psychological leverage within marriages. Instances where a spouse threatens suicide to coerce compliance represent a disturbing form of emotional abuse that transcends traditional gender roles. In these situations, a woman may threaten self-harm as a means to manipulate her husband into complying with demands, whether they are financial, relational, or social in nature. This coercive behavior can create a toxic environment where the husband feels trapped, often leading to severe psychological distress. Furthermore, the fear of societal stigma surrounding suicide can prevent the affected individual from seeking help or reporting the behavior, perpetuating cycles of abuse under the guise of emotional connection or love. Such scenarios highlight the necessity of viewing domestic abuse through a broader lens—recognizing that women can be perpetrators,

but often remain framed exclusively as victims, complicating the discourse surrounding domestic violence.

The recognition of mental and verbal abuse as forms of domestic violence is another crucial aspect that requires attention. While physical abuse often garners more immediate concern and legal recourse, the insidious nature of mental and verbal abuse is equally damaging and can escalate over time. Psychological tactics, such as constant belittling, gaslighting, or creating an atmosphere of fear, can erode an individual's confidence and autonomy. Women who engage in this form of abuse may not only target their husbands but also extend their behavior to in-laws and other family members, creating a hostile and toxic family environment. This complex interplay of psychological manipulation and family dynamics complicates the process of seeking recourse, as traditional notions of victimhood are challenged and obscured. In familial interactions, the emotional scars left by such behavior can linger far longer than physical ones, contributing to the normalization of unhealthy relationships within families and society at large.

It is imperative to address the legal and social frameworks that govern domestic violence and abuse to encompass these patterns more holistically. Legislative reforms should consider the nuances of male victimization and the manipulative behaviors that can occur in intimate relationships, just as they have recognized traditional forms of abuse against women. Legal systems must adapt to differentiate between genuine victims and those who misuse protective measures, providing safeguards and due process for all parties involved. Furthermore, public awareness campaigns are essential in redefining societal perceptions of domestic violence. Education should aim to dismantle stereotypes that pigeonhole women strictly as victims, thereby fostering a more inclusive understanding that recognizes varied experiences of abuse across genders.

Addressing the rise of female-perpetrated domestic abuse requires a comprehensive approach that considers the complexities of human relationships, emotional manipulation, and the legal frameworks designed to protect individuals. While the intentions behind laws safeguarding women are laudable and necessary, the developments of recent years expose vulnerabilities in their application, prompting a critical examination of how both men and women can be affected by domestic discord. Engaging with these issues not only informs legal practices but also

enriches societal discussions around domestic violence, ultimately contributing to more equitable and effective solutions for all individuals affected by this pervasive social issue. By fostering open dialogue, reforming legal structures, and promoting awareness, we can work towards a society that genuinely recognizes and addresses the multifaceted nature of domestic abuse.

In *Rajesh Sharma v. State of U.P.*², the Supreme Court noted that many complaints under Section 498A were found to be not genuine and were filed with an oblique motive.

4. SOCIOLOGICAL DIMENSIONS

Feminism, as a socio-political and ideological movement, has historically played a crucial role in advocating for the rights of women, particularly in societies where gender inequality was deeply entrenched. Its contributions to suffrage, legal reforms, educational access, and workplace equality cannot be overstated. However, in contemporary discourse, especially within the legal domain concerning matrimonial disputes, an emergent critique suggests that the pendulum may have swung too far in favor of one gender, thereby generating a form of reverse bias against men. This phenomenon is particularly visible in jurisdictions where laws, originally designed to protect women from abuse, are sometimes misused to unjustly implicate men, thereby undermining the principle of justice and fairness that feminism initially stood for.

This reverse bias is most apparent in matrimonial conflicts involving allegations of domestic violence, dowry harassment, or emotional cruelty, where men are often presumed guilty until proven innocent. Such assumptions challenge the foundational legal doctrine of *presumption of innocence*, replacing it with a gendered presumption of guilt. Laws like Section 498A of the Bhartiya Nyay Sanhita, introduced with the noble intention of safeguarding women from cruelty by their husbands or in-laws, have, over time, been critiqued for their potential misuse. The Supreme Court of India, in *Rajesh Sharma v. State of U.P.* (2017), acknowledged this concern, observing that numerous complaints under this section appeared to be exaggerated or false, filed out of spite or as leverage in divorce proceedings³. This judicial recognition illustrates how legal

² *Rajesh Sharma v. State of U.P.*, (2017) 8 SCC 746.

³ *Rajesh Sharma & Ors. v. State of U.P. & Anr.*, Supreme Court of India, 2017.

safeguards, when devoid of due scrutiny and balance, can be weaponized under the garb of gender justice.

The issue also intersects with popular social narratives that tend to portray women uniformly as victims and men as perpetrators. Such narratives, while emerging from a place of empathy and a long-standing history of female subjugation, often overlook the complex, individualized realities of human behavior. Not all women are victims, and not all men are abusers. The overgeneralization erodes the credibility of genuine victims and simultaneously marginalizes male experiences of abuse, which often go unreported due to societal expectations around masculinity and emotional resilience⁴. This binary perception fosters a polarized climate, hindering nuanced discussions around gender dynamics in intimate relationships.

It is essential to acknowledge that women, like men, can be perpetrators of emotional, psychological, and in some cases, physical abuse. However, these actions are not to be simplistically construed as a betrayal of womanhood or feminism. Rather, they are often the outcome of complex psychological, cultural, or situational factors. Economic independence, for instance, which is a positive outcome of feminist advocacy, can sometimes empower women to exert control in relationships in unhealthy ways. This power shift, especially in societies with patriarchal remnants, may provoke interpersonal conflicts, where accusations become tools for negotiation or revenge⁵.

5. JUDICIAL RESPONSE AND CASE LAWS

The Indian judiciary has been increasingly mindful of the misuse of matrimonial laws. In *Preeti Gupta v. State of Jharkhand*⁶, the Supreme Court advised that serious relook into the misuse of Section 498A is warranted. The judgment emphasized that false complaints lead to immense suffering and damage to relationships.

⁴ Galdas, P. M., Cheater, F., & Marshall, P. (2005). "Men and health help-seeking behaviour: Literature review." *Journal of Advanced Nursing*, 49(6), 616–623.

⁵ Mishra, A. (2019). "Misuse of 498A IPC: Gender justice or legal terrorism?" *Indian Bar Review*, 46(3), 200-214.

⁶ *Preeti Gupta v. State of Jharkhand*, (2010) 7 SCC 667.

Similarly, in *Sushil Kumar Sharma v. Union of India*⁷, the Court held that Section 498A has become a weapon in the hands of disgruntled women.

6. NEED FOR GENDER-NEUTRAL LAWS

The Bhartiya Nyay Sanhita (BNS), 2023, a landmark step towards overhauling India's colonial-era penal code, attempts to address evolving societal realities. One such pressing area demanding urgent reform is the treatment of female perpetrators in matrimonial crimes, which historically has remained overshadowed due to the gender-specific nature of many family laws. Under the existing framework, including the Protection of Women from Domestic Violence Act, 2005 and Section 498A of the Indian Penal Code (now corresponding to provisions in the BNS), the law has largely presumed women to be victims and men as perpetrators. While such a presumption was necessary in the past to protect women from systemic abuse, the socio-legal landscape today reflects more complex power dynamics, where men too can be subjected to domestic violence, emotional cruelty, and matrimonial harassment by their spouses or in-laws.

The Bhartiya Nyay Sanhita (2023) brings with it an opportunity to re-examine such legal assumptions through a gender-neutral lens. Although the BNS maintains protective provisions for women, it lacks comprehensive recognition of male or non-female victims in matrimonial contexts. This creates a gap in legal redressal for individuals who suffer abuse but do not fall under the traditionally protected gender categories. Numerous empirical studies and rising litigation trends show that false accusations, misuse of matrimonial laws, and psychological abuse by female partners are not rare phenomena. Thus, the absence of provisions that explicitly recognize female perpetrators not only violates the principle of equality before law enshrined in Article 14 of the Constitution but also promotes selective justice.

Moreover, legal neutrality does not imply denial of protection for women; rather, it emphasizes a balanced, rights-based approach that protects all victims, regardless of gender. Countries such as the United Kingdom, Canada, and Australia have adopted gender-neutral statutes in cases of domestic abuse and family law, thereby ensuring equal access to justice. The BNS, in aiming to

⁷ *Sushil Kumar Sharma v. Union of India*, (2005) 6 SCC 281.

modernize Indian criminal law, must similarly recognize that perpetrators of matrimonial crimes can belong to any gender, and the law must reflect that reality.

The need for gender-neutral matrimonial laws is not just legal—it is social, psychological, and ethical. Victims who do not fit into the conventional narrative often face social stigma, lack of institutional support, and absence of legal remedies. Without legislative change, such individuals remain voiceless in the system. The BNS 2023, if interpreted progressively and reformed further, holds the potential to eliminate gender-based bias and promote a fair and inclusive justice system that addresses matrimonial crimes in all their complexity.

Therefore, in the analytical context of female perpetrators in matrimonial crimes, the Bhartiya Nyay Sanhita must be viewed as both a step forward and a call for further evolution—one that mandates the adoption of gender-neutral principles to truly serve justice in the domestic sphere.⁸

7. RECOMMENDATIONS

1. Amend matrimonial laws to ensure gender neutrality.
2. Introduce stringent penalties for filing false cases.
3. Establish family counseling centers to address disputes without litigation.
4. Implement regular judicial training to avoid gender bias.
5. Promote awareness campaigns highlighting that men can also be victims.

8. CONCLUSION

The evolving landscape of matrimonial crimes necessitates a re-evaluation of existing legal doctrines and societal norms. The presumption that women can only be victims undermines the principle of justice and equality. A balanced, gender-neutral approach would not only uphold the constitutional ethos but also ensure that justice is not denied to any section of society.

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