



IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2025
[DIARY NO.2152/2025]

JANSHRUTI (PEOPLE'S VOICE)

PETITIONER

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

O R D E R

1. Delay condoned.

2. This writ petition, filed under Article 32 of the Constitution, seeks directions for the formulation of gender-neutral guidelines and legislation governing the filing of domestic violence and harassment complaints. It also prays for a declaration regarding the constitutionality of Section 498A of the Indian Penal Code, 1860 (now Section 84 of the Bharatiya Nyaya Sanhita, 2023).

3. We have heard the learned senior counsel for the petitioner at length and have briefly examined the record. Notwithstanding the vehement submissions advanced, we are

not inclined to entertain the petition or grant any of the reliefs sought therein.

4. In this regard, we are of the considered view that the impugned provisions do not warrant judicial interference. This is so because it is well-settled law that courts refrain from intervening in matters of legislative policy or mandate unless the provision in question is: (i) devoid of reasonable justification or basis; (ii) actuated by mala fides or an ulterior motive; (iii) lacking a rational nexus with the object sought to be achieved; or (iv) in violation of Fundamental Rights or any other constitutional provision.

5. Section 498A of the Indian Penal Code was, in fact, introduced by the Legislature through the Criminal Law (Second Amendment) Act, 1983 (Act 46 of 1983), with effect from 25.12.1983. The enactment of this provision was prompted by the widespread and deeply entrenched exploitation of women through traditional practices such as the dowry system. The Legislature recognized the pressing need for a specific legal provision to address the grave suffering inflicted upon married women as a result of dowry-related offences and cruelty, which had become a pervasive social menace in Indian society.

6. Be that as it may, the Legislature, in its wisdom, has continued to retain this provision over the decades,

presumably in recognition of the persistent and deep-rooted nature of the underlying social malaise. While it is true that instances of misuse have emerged over time—occasionally with the intent to harass families or extort money, such concerns by themselves, are rarely sufficient to warrant striking down a statutory provision or diluting its effect. This Court has consistently held, in a catena of decisions, that the mere possibility or occasional misuse of a legal provision does not render it constitutionally infirm, either procedurally or substantively. Even in the context of Section 498A, this Court has reiterated that while misuse must be guarded against, the provision cannot be trivialized or undermined merely because it has, in some instances, been invoked unscrupulously.¹ However, this Court has also cautioned that it is not to be treated as a tool to prank assistance or as a means to 'cry wolf'.

7. In assessing the constitutionality of such penal provisions, it becomes imperative to strike a delicate balance. While it is acknowledged that certain individuals may face hardship due to the misuse of the provision, it is equally important to look beyond these instances and recognize that the provision serves a constitutionally sound objective. It is aimed at protecting a vulnerable section of society that often requires legal support and

¹ Sushil Kumar Sharma v. Union of India, AIR 2005 SC 3100.

institutional safeguards to shield them from systemic abuse and exploitation.

8. It is also trite that the impugned provisions were enacted in furtherance of the principle of positive discrimination envisaged under Article 15 of the Constitution of India, which expressly empowers the State to make special laws for the protection and advancement of women, children and other disadvantaged groups.

9. In view of the legislative intent and the rationale supporting its enactment, we find no justification to interfere with the legislative process in the present circumstances, nor are we inclined to transgress the well-established boundaries of the doctrine of separation of powers. In view of the foregoing, the contention that the said provision violates Article 14 of the Constitution of India is wholly misconceived and without merit.

10. In this vein, the argument regarding the alleged misuse of the provisions is vague and unsubstantiated. No definitive opinion on such claims can be rendered in the exercise of this Court's writ jurisdiction under Article 32 of the Constitution. It is sufficient to observe that such assertions, if raised, must be assessed on a case-to-case basis by the appropriate judicial forum. We emphasize a case-to-case approach because matters of this nature often involve intricate and layered complexities. They require

the court to pierce the veil and carefully examine the underlying facts and circumstances in order to arrive at a just and informed determination of what has truly transpired.

11. We are cognizant of the growing discourse highlighting instances where the provision may have been misused. However, it must be borne in mind that for every such instance, there are likely hundreds of genuine cases where Section 498A has served as a crucial safeguard for victims of domestic cruelty. We are also aware that certain unconscionable individuals, emboldened by the rising fervor to dismantle such protective provisions, have gone so far as to publicly share videos depicting the exchange of dowry –an act not only unlawful but also indicative of the entrenched nature of the very evil this provision seeks to combat.

12. We also remain acutely attuned to the ground realities. As a Constitutional Court and the apex judicial body of the country, we bear the solemn responsibility of safeguarding justice for our entire population. The harsh truth is that dowry continues to persist as a deeply entrenched social evil, prevalent across vast sections of the country. A significant majority of such cases go unreported, with countless women compelled to endure injustice in silence. This underscores the continuing need for legal provisions such as Section 498A, which serve as

vital instruments of protection and redressal for those most vulnerable.

13. In light of the foregoing discussion, we therefore find no reason to entertain the writ petition, which is, accordingly, dismissed.

.....J.
(SURYA KANT)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi
April 15, 2025

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL)..... Diary No(s). 2152/2025

JANSHRUTI (PEOPLE'S VOICE)

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No.76561/2025 - CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS)

Date : 15-04-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) : Ms. Shashi Kiran, Sr. Adv.
Ms. Sadhana Sandhu, AOR
Dr. Satish Chandra, Adv.
Ms. Sangeeta Bhalla, Adv.
Ms. Ashna Singh, Adv.
Mr. Vishal Singh Chandel, Adv.
Ms. Anju Sen, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Delay condoned.
2. The Writ Petition is dismissed in terms of the signed reportable order.
3. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR

(signed reportable order is placed on the file)