

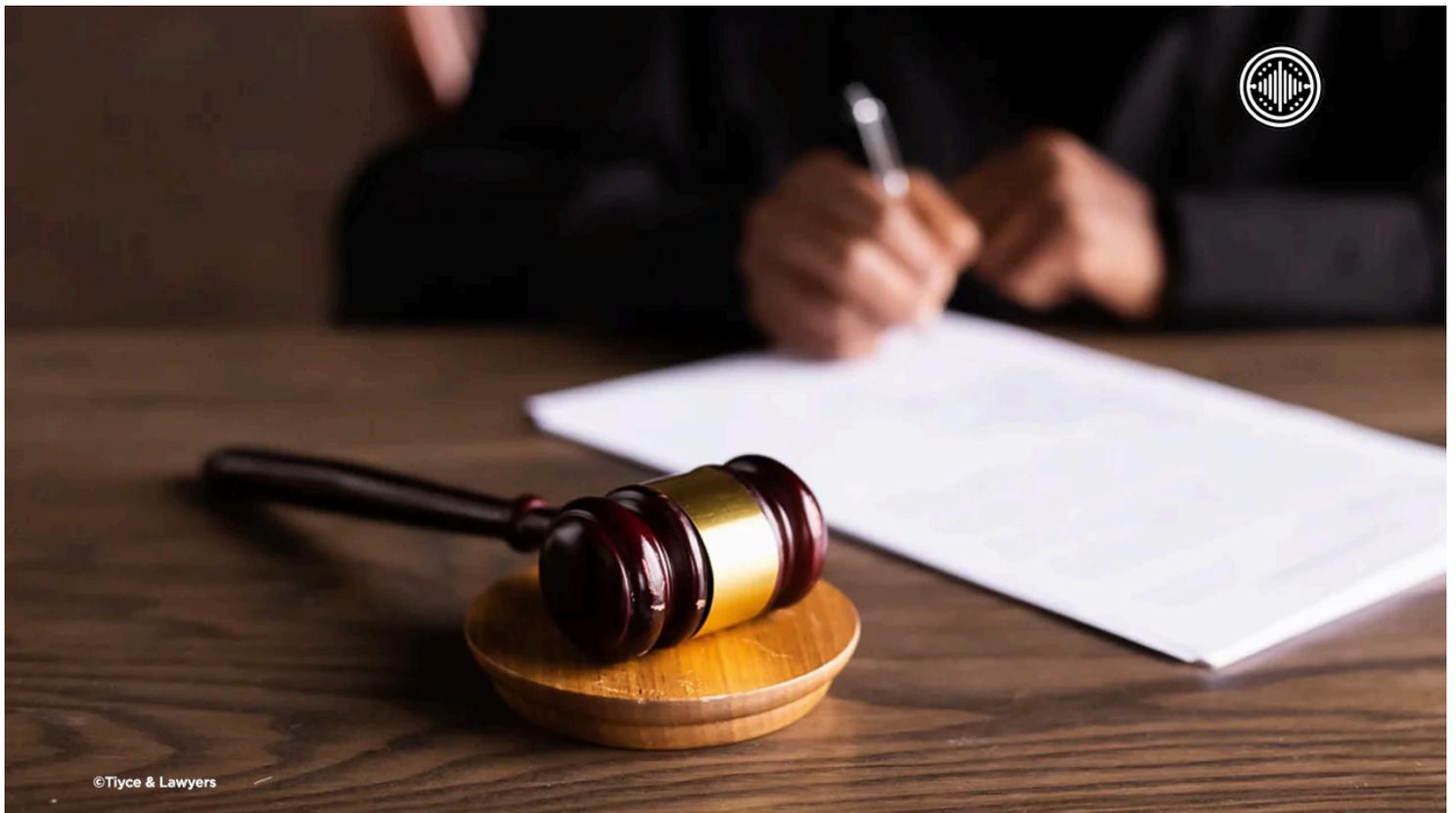
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Supreme Court Upholds Two-Month Gap Before Arrests in Marital Cruelty Cases

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– Categories: Human Rights



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The Supreme Court has affirmed the validity of a two-month “cooling-off” period before police can make arrests in marital cruelty cases under Section 498A of the Indian Penal Code. The ruling upholds a directive issued by the Allahabad High Court in 2021 aimed at preventing the misuse of dowry harassment laws.

A bench comprising Chief Justice B.R. Gavai and Justice A.G. Masih observed that the two-month waiting period remains essential to ensure fairness and avoid arbitrary arrests in sensitive family disputes. The court emphasized that arrests in such cases should only be carried out after the lapse of two months from the filing of the First Information Report (FIR) and after the matter has been reviewed by a Family Welfare Committee.

The verdict came in response to a case where a man and his father were arrested and spent over 100 days in jail based on what were later found to be false accusations made by the complainant, a serving Indian Police Service (IPS) officer. Terming the ordeal faced by the accused as “irreparable,” the court ordered the woman to issue a public apology.

Under the guidelines affirmed by the apex court, no arrest is permitted in cruelty cases involving punishment below 10 years unless the Family Welfare Committee, composed of district-level members, has submitted its findings after examining the allegations.

The court’s decision aligns with the precedent set in the 2014 *Arnesh Kumar* judgment, which cautioned against automatic arrests in dowry-related cases and stressed the need for careful application of Section 41 of the Criminal Procedure Code.

Legal experts believe this ruling marks a significant step in ensuring a balanced approach, safeguarding genuine victims while protecting individuals from being subjected to unjust imprisonment due to false or exaggerated complaints.

The order is expected to provide relief in matrimonial disputes where legal proceedings often escalate quickly, leading to immediate and sometimes unwarranted arrests.