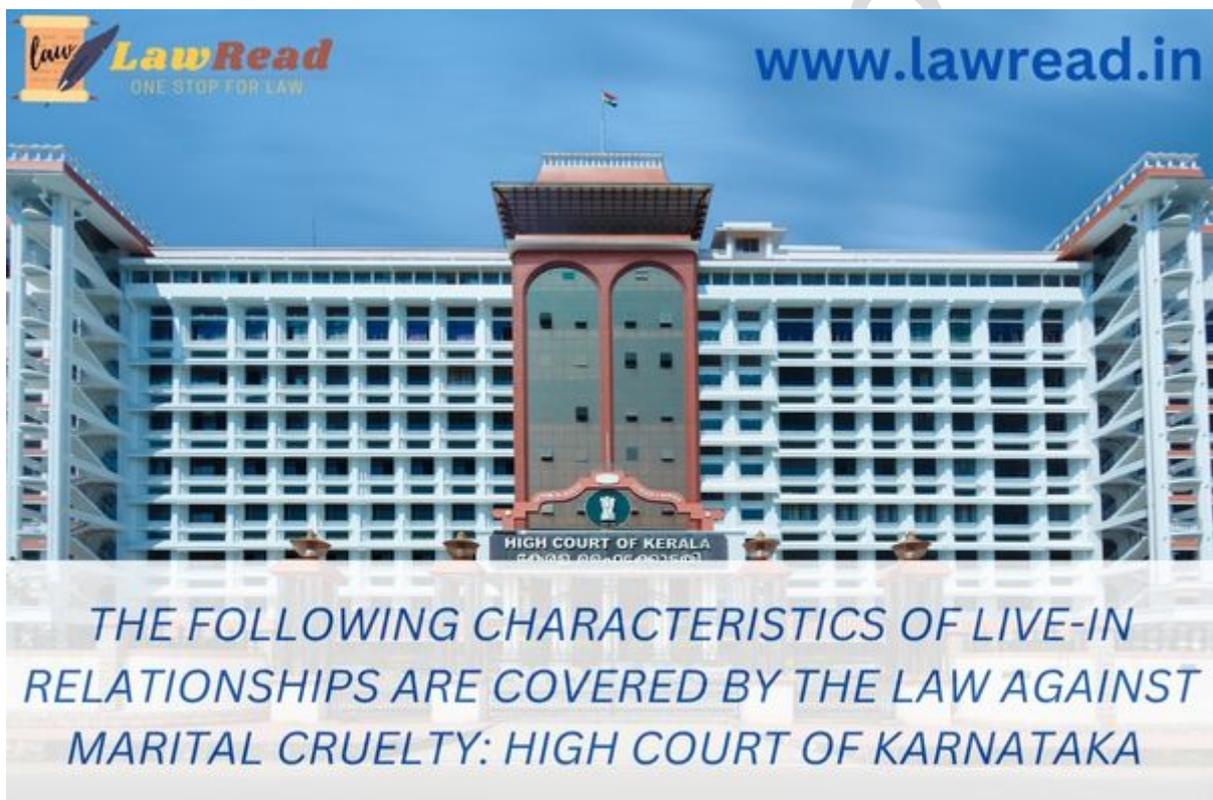


News

The following characteristics of live-in relationships are covered by the law against marital cruelty: High Court of Karnataka



The Court decided that even if a relationship is not legally recognized as marriage, a woman who is deceived into thinking she is married may file a cruelty lawsuit against her spouse.

The Karnataka High Court ruled that even if a man is not legally recognized as a woman's husband, he may still be prosecuted for marital cruelty under Section 498A of the Indian Penal Code (IPC) if he mistreats her after deceiving her into thinking they are married.

According to the Court, Section 498A of the IPC (since superseded by Sections 85 and 86 of the ***Bharatiya Nyaya Sahita***, 2023) covers relationships that resemble marriages as well as legally recognized marriages.

"The expression 'husband' in Section 498A IPC is not confined to a man in a legally valid marriage, but extends to one who enters into a marital relationship which is void or voidable, as also to a live-in relationship which bears the attributes of marriage, so long as the essential ingredients of cruelty as defined in the explanation to the section are satisfied," said Justice Suraj Govindaraj.

A man and his family were petitioning the court to stop criminal charges that were pending against them as a result of his partner's (complainant) allegations.

The plaintiff claimed to have experienced dowry demands and marital abuse. She accused the accused of dousing her with kerosene and then attempting to burn her, among other things.

The complainant thought she had married the petitioner in 2010 and resided with him in several places, according to the case files.

When she returned home in 2016 and discovered their joint residence was empty, she filed a criminal case in Shivamogga. Based on these statements, the police added Section 498A, IPC, to the initial theft case they had filed.

In a another instance that same year in Bengaluru, a medical statement claimed that the complainant had been subjected to dowry-related harassment and that kerosene had been poured on her in an attempt to burn her.

Citing offenses under Sections 498A, 307 (attempt to kill), 504 (insult to induce breach of peace), 506 (criminal intimidation), and 494 of the IPC as well as provisions of the Dowry Prohibition Act, the Bengaluru police filed a complaint.

The complainant's partner, a guy, argued in his defense that the complainant could not use Section 498A of the IPC, which makes it illegal for a husband or his family to mistreat a married woman.

He maintained that there was no legal marriage between him and the complainant. He

maintained that their relationship was only one of cohabitation.

He also mentioned that he has a daughter from a previous marriage.

The High Court rejected these arguments.

"The protection provided by Section 498A cannot be rejected on the technical grounds of an invalid marriage; instead, the term 'husband' must be given a purposeful and expansive meaning. The Court ruled that a man cannot avoid criminal responsibility by claiming that there was no legal marriage when he deceives a woman into believing she is legally wedded to him and then abuses her.

It came to the conclusion that when a woman is abused by her spouse after being tricked into thinking she was married, Section 498A of the IPC may be used. According to the judge, this law should be read in a way that serves its objective of combating the societal evil of cruelty in marriage.

It is a well-established principle that a punitive provision intended to address a social ill must be read in a way that advances rather than undermines the purpose of the legislation. The accused cannot profit from his own wrongdoing, especially if he has acted dishonestly and in bad faith to lure Respondent No. 2 (the complainant) into a relationship that appears to be marriage, the court ruled.

As a result, it refused to stop the criminal prosecutions of the petitioners. However, the High Court issued orders so that a trial court in Bengaluru may hear both matters concurrently after observing that two complaints in the case were pending before two different trial courts.

Advocates Harsha Kumar Gowda HR and AN Radhakrishna represented the petitioners.

High Court Government Pleader MR Patil represented the State.

Advocates Santhosh Kumar MB and Udaya Prakash Muliya represented the complainant.