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Supreme Court Extends Criminal Protection Against Domestic Cruelty to Eligible Live-in Relationships Under Equality Principles

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Recent Developments:

- The **Supreme Court**, in a judgment delivered by **Justice Sanjay Karol** and **Justice N. Kotiswar Singh**, held that criminal protection against **domestic cruelty** under **Section 498A of the Indian Penal Code** shall extend to women in certain **live-in relationships** that are **in the nature of marriage** and supported by an **intent to marry**. The ruling is expected to apply to **Section 85 of the Bharatiya Nyaya Sanhita**, which replaced **Section 498A of the Indian Penal Code**.
- The Court adopted a **purposive interpretation** of criminal law, observing that legal protection against domestic cruelty must evolve with changing social realities while remaining consistent with the constitutional guarantee of **equality under Article 14**.

Legal Background:

Position under the Earlier Law:

- **Section 498A of the Indian Penal Code**, now replaced by **Section 85 of the Bharatiya Nyaya Sanhita**, criminalises **cruelty** committed by a **husband** or his relatives against a woman.
- Since the statutory language referred specifically to a **husband**, criminal protection was traditionally confined to **legally valid marriages**.
- Through judicial interpretation, the **Supreme Court** had gradually extended protection to women induced into **void** or **voidable marriages**, preventing accused persons from escaping criminal liability merely because the marriage lacked legal validity.

Case that Led to the Judgment:

- The accused sought quashing of criminal proceedings by arguing that his marriage with the complainant was legally invalid because an earlier marriage was still subsisting.
- The **Karnataka High Court** rejected the contention, holding that a person who induces a woman to believe she is lawfully married cannot evade criminal liability solely because the marriage is legally void.
- The appeal before the **Supreme Court** provided an opportunity to examine whether similar protection should extend beyond invalid marriages to eligible **live-in relationships**.

Supreme Court's Interpretation:

Purposive Interpretation of Criminal Law:

- The Court held that the objective of the provision is to prevent **domestic cruelty** rather than merely regulate legal marital status.

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- The judgment recognised that **live-in relationships** have become an accepted social reality and that criminal law should respond to changing family structures.
- The Court observed that denying criminal protection solely because a woman is not formally married bears **no rational nexus** with the legislative objective of preventing domestic cruelty.
- Such exclusion was held to be inconsistent with the constitutional guarantee of **equality under Article 14**, requiring the law to be interpreted in a manner consistent with constitutional values.

Application under the Bharatiya Nyaya Sanhita:

- Since the **Indian Penal Code** has been replaced by the **Bharatiya Nyaya Sanhita**, the same reasoning is expected to govern **Section 85 of the Bharatiya Nyaya Sanhita**, which substantially corresponds to the earlier provision relating to cruelty by husband or relatives.

Conditions for Protection in Live-in Relationships:

Relationship in the Nature of Marriage:

- The Court relied upon the established judicial concept of a **relationship in the nature of marriage**, which is narrower than every live-in relationship.
- Relevant indicators include:
- **Shared financial arrangements, common household, stable domestic life, continuing intimate relationship, public representation as spouses.**
- These factors collectively demonstrate a relationship substantially resembling marriage rather than a casual or temporary arrangement.

Intent to Marry as an Additional Requirement:

- The Court introduced **intent to marry** as an additional qualifying requirement for invoking criminal protection.
- A relationship satisfying only the characteristics of cohabitation, without a genuine intention to marry, cannot automatically attract criminal liability under **Section 85 of the Bharatiya Nyaya Sanhita**.
- According to the Court, only relationships that closely approximate marriage in both substance and intention deserve similar criminal law protection.

Burden of Proof:

- The initial burden of establishing the existence of an **intent to marry** lies upon the woman seeking criminal protection.
- The judgment intentionally leaves determination of such intent to judicial appreciation of facts and evidence in individual cases rather than prescribing rigid statutory parameters.

Relationship with the Protection of Women from Domestic Violence Act, 2005:

Why Existing Civil Protection Was Not Considered Sufficient:

- The Court rejected the argument that women in live-in relationships already receive adequate protection under the **Protection of Women from Domestic Violence Act, 2005**.
- It clarified that the two statutes operate in fundamentally different legal domains.

Difference between the Two Laws:

- **Protection of Women from Domestic Violence Act, 2005:**
- Civil remedies, **protection orders, residence rights, maintenance, compensation.**
- **Section 85 of the Bharatiya Nyaya Sanhita:**

- Criminal liability, **punishment, deterrence, prosecution.**
- The Court held that equating civil remedies with criminal protection would incorrectly dilute the legislative purpose behind criminal sanctions.

Constitutional Significance:

Equality and Social Justice:

- The judgment reinforces **Article 14** by ensuring that protection against domestic cruelty is not denied solely because of the absence of formal marriage.
- It reflects the constitutional principle that similarly situated individuals should receive equal legal protection where the underlying harm remains identical.

Living Constitution Doctrine:

- The decision illustrates the doctrine of a **living Constitution**, under which statutory interpretation evolves alongside changing social realities while remaining faithful to constitutional values.
- The judgment represents another example of purposive constitutional interpretation in family and criminal law.

Challenges and Concerns:

Evidentiary Issues:

- Demonstrating **intent to marry** is inherently subjective and may generate inconsistent judicial outcomes.
- Courts will need to rely upon documentary evidence, conduct of parties, communications, financial arrangements, and surrounding circumstances.

Potential Misuse and Judicial Safeguards:

- Criminal provisions concerning domestic cruelty have historically raised concerns regarding misuse.
- At the same time, courts have consistently maintained that procedural safeguards cannot undermine genuine protection for victims of domestic abuse.
- Future litigation is likely to further clarify the evidentiary standards governing the new requirement of **intent to marry**.

Conclusion:

- The judgment significantly expands criminal law protection against **domestic cruelty** by recognising that violence and abuse are not confined to legally valid marriages.
- By extending protection to qualifying **live-in relationships** possessing an **intent to marry**, the **Supreme Court** has aligned criminal jurisprudence with evolving social realities while grounding its reasoning in constitutional equality.
- The practical implementation of the ruling will largely depend upon the judicial development of clear evidentiary standards for establishing the required **intent to marry**.

Value Addition for UPSC:

Important Constitutional Provisions:

- **Article 14:** Equality before law and equal protection of laws.
- **Article 15(3):** Special provisions for women.
- **Article 21:** Right to life and dignity.

Important Statutory Provisions:

- **Section 85, Bharatiya Nyaya Sanhita:** Cruelty by husband or relatives of husband.
- **Protection of Women from Domestic Violence Act, 2005:** Civil protection for women facing domestic violence, including relationships in the nature of marriage.
- **Bharatiya Nyaya Sanhita, 2023:** Replaced the **Indian Penal Code** with effect from **1 July 2024**.

Mains Answer Enrichment:

- **GS-II:** Judiciary, **Constitutional Interpretation**, Gender Justice, Fundamental Rights, Social Justice.
- **GS-I:** Changing Family Structures, **Women Issues**, Social Transformation.
- **Essay:** Constitutional Morality, **Living Constitution**, Gender Equality, Law and Social Change