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Cruelty Beyond Marriage: The Supreme Court Extends Section 498A IPC (Section 85 BNS) to Live-in Relationships

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Law Beat

For decades, a woman's plea against cruelty by her husband and in-laws was conditioned on proof of her status as a 'valid wife'. In Dr. Lokesh B.H v State of Karnataka (2026), the Supreme Court ended that precondition for relationships "like marriage". This article argues that even though the apex court got the principle right, its "intent to marry" test still measures a woman's protection against the yardstick of marriage. Parliament, now, must address this gap.

1. Introduction

In October 2010, a woman named Theertha underwent Hindu rituals with a cardiologist in Bengaluru. Years later, she filed complaints alleging dowry harassment, physical cruelty, and concealment of a previous marriage against the cardiologist. His defense was straightforward: if there was no valid marriage, he was not her 'husband '; hence, penalty under Section 498A IPC cannot be invoked against him.[1]

Section 498A IPC (now, Section 85 BNS) is read as follows:

"Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine."



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The word ‘husband’ in the section demands a valid marriage as a precondition. On 3 August 2026, Division Bench of Justice Sanjay Karol and Justice N. Kotiswar Singh rejected the defense of the cardiologist and extended the protection to live-in relationships that qualify as “relationships in the nature of marriage” where an intent to marriage can be established.[2]

This ruling matters because India accounts for domestic violence as one of the most active categories of crimes in the country. In 2023 alone. 1,33,676 cases (29.8%) of crimes against women fell into the bracket of ‘cruelty by husband or his relatives’.[3] Section 498A has been, in turn, one of the most used provisions of the IPC. Courts, before granting relief under the provision are required to satisfactorily establish the relationship between the complainant and the perpetrator and it should be a ‘legal marriage’; otherwise, section 498A becomes inoperative automatically. Live-in relationships are increasingly becoming common, especially in metropolitan cities. Even without undergoing the marriage rituals, women in these relationships can be subject to mental and physical cruelty. [4] Section 498A, if not extended, would have remained inaccessible to them.

2. Background

Section 498A IPC was a provision built to combat dowry deaths. Inserted in 1983, its Objects and Reasons responded to the rising number of dowry deaths in the country. It categorically noted that “Cases of cruelty by the husband and relatives of the husband which culminate in suicide by, or murder of, the helpless woman concerned, constitute only a small fraction of the cases involving such cruelty”[5]. Here ‘cruelty’ would cover any willful conduct by the ‘husband’ or ‘his relatives’ that potentially drove the woman (wife) into suicide or caused her grave injury or harassment.[6] Section 85 BNS reproduces this text verbatim. [7]

The term ‘husband’ soon touched men in a bigamous/polygamous marriage. Under IPC, 1860 (Section 494), Hindu Marriage Act, 1955 (Section 5), Special Marriage Act, 1954 (Section 54) and now under BNS, 2023 (Section 82), bigamy/polygamy is strictly prohibited and the subsequent marriages are ‘void’ or ‘voidable (exception: polygamy under the Sharia Law remains valid uptil four wives). Despite these prohibitions, there have been many noted instances of bigamous relationships. In Reema Aggarwal v Anupam (2004), the Supreme Court refused to let such men hide behind the “smokescreen” of an invalid marriage.

The court categorically held that “It would be appropriate to construe the expression “husband” to cover a person who enters into marital relationship and under the colour of such proclaimed or feigned status of husband subjects the woman concerned to cruelty or coerces her in any manner or for any of the purposes enumerated in the relevant provisions, Sections 304- B/498A, whatever be the legitimacy of the marriage itself for the limited purpose of Sections 498A and 304- B IPC... the absence of a definition of “husband” to specifically include such persons who contract marriages ostensibly and cohabit with such woman, in the purported exercise of their role and status as “husband” is no ground to exclude them from the purview of Section 304-B or 498A IPC, viewed in the context of the very object and aim of the legislations introducing those provisions” Live-in relationships were not a norm in 2004, hence the courts meant to cover men undergoing multiple marriages under the term ‘husband’.[8] A three-judge bench approved this reasoning in Rajinder Singh v State of Punjab (2015).[9] However, subsequent rulings pulled the other way: In U. Suvetha v State (2009), the apex court listed that ‘the women must be married’ as the first ingredient of the offence.[10]

Section 498A IPC/Section 85 BNS is the criminal law route for the victim-wife. The Domestic Violence Act, enacted in 2005, remains the civil law option. One of the common modes of statute interpretation is scrutinizing the ‘intent of the lawmakers/legislatures’ behind enacting it. The DVA, 2005 covers women in a “domestic relationship” which expressly includes a “relationship in the nature of marriage”.[11] In Indra Sarma v V.K.V. Sarma (2013), the apex court laid down eight non-exhaustive indicators to categorize ‘relationships in the nature of marriage’ for the purposes of the DVA, 2005: duration of the relationship, a shared household, pooled finances, domestic arrangements, children, public socialization as a couple and the parties’ common intention.[12]

The result was a two-tier system and unequal rights: a ‘wife’ had both criminal and civil remedies but a ‘women in marriage like live-in relationship’ only had the option of a civil route. Given the procedural and substantive effect of the two are so vastly different, the gap does not remain only technical; it basically decided how and when the State can act at all. For instance, take two women who suffer the same brutal conduct- physical injury, insult and demand for money/property. The first woman, who is the ‘legal wife’ of the perpetrator can approach the police station, lodge an FIR and since the offence under Section 498A IPC is cognizable, the police are mandated to undertake investigation and report chargesheet. The perpetrator risks penalty of three years imprisonment. The second woman, who is in a live-in relationship, cannot lodge an FIR. She must apply to a Magistrate under Section 12 of the PWDVA and

wait for a protection or residence order. Her partner commits a crime only if he later breaches that order under Section 31. [13] The maximum punishment of such default would be one year. Therefore, identical cruelties; different remedies. Given the longing stigma around live-in relationships in India, women often conceal their relationships from the public which makes approaching the Magistrate and initiating police proceedings a major public, attention-inviting event for her. Lack of legal jurisprudence on this matter coupled with prevailing dogma in the society often keeps cruelty suffered in a live-in relationship under or un-reported.

The cardiologist, Dr. Lokesh requested the Karnataka High Court to quash Section 498A proceedings on the ground that no valid marriage existed. On 18 November 2025, the High court held that the term 'Husband' must receive a 'purposive and expansive construction' and reached relationships that bear the attributes of 'marriage'.[14] The High Court's order was challenged at the Supreme Court. The apex court dismissed the appeal and let the trial proceed.[15]

3. Analysis

The judgment rests on three pillars: a method of interpretation, an equality argument and a finding that civil law is not enough. Together they make the extension not merely permissible but constitutionally necessary:

(a) Strict construction is not strict liberalism: The appellant and the Union emphasized the narrow or strict interpretation of the term 'husband' to mean only a 'lawfully wedded husband'. The court accepted that penal laws should be read strictly however, it also noted that strictness does not grant permission to be 'pedantic and narrow' in every case.[16] Purposive interpretations remain an often-used necessary tool to figure out the true legislative intent of the enacting legislature. Sub-category of the purposive interpretation- the mischief rule- was then applied by the court. The mischief in 1983 was cruelty inside the home by a man over a woman he lived with. That mischief does not change because a ceremony is skipped or was void ab initio. Thus, the court noted that the objective of this provision is to be 'reformative and coupled with punishment'. It rejected the argument for strict interpretation and extended the protection under Section 498A IPC to live-in relationships.[17] This ratio of the court continues the Reema Aggarwal judgment which had already detached 'husband' from the legal validity of the marriage for the limited purpose of Section 498A IPC.[18]

(b) Equal protection cannot depend on the form of relationship: The strongest part of the judgment is constitutional. As noted in the above example (part 2, para.4), the same form of cruelty invites two different routes of remedies only because the form of relationship differs in two cases. The court asked why protection should differ when in both cases, the woman consented to her

partner and consented to cohabit with him. Relying on Puttaswamy, it held that choosing a marriage-like relationship engages a spatial and association privacy.[19] Live-in relationships have been held legal and valid by the courts at different instances.[20] Thus, distinguishing a married woman from a woman in a live-in relationship creates 'a class within a class'. The distinction should bear no rational nexus in law and to the object of preventing domestic cruelty and so offends Article 14.[21]

(c) The civil remedy is not a substitute for criminal deterrence: The Union argued that women in live-in relationships already have a remedy under PWDVA, 2005. The court rejected this as a 'misstatement of law'. When 1,33,676 cases were recorded under Section 498A IPC in 2023; PWDVA, 2005 noted only 632 cases.[22] For reasons already noted, proving a breach, reaching the magistrate, and obtaining an order under Section 31 of DVA, 2005 remains a taxing and socially impermissible action for a person already under physical, mental and emotional agony.

Moreover, in this instance, granting both civil and criminal remedies to the victim will not be the first, since for many offences, such as defamation, assault, trespass, public nuisance, breach of trust, etc., both forms of remedies exist.

- (d) A calibrated extension: The court does not extend Section 498A IPC protection to every live-in couple. The infographic below demonstrates the test layers a cohabiting couple must pass to qualify for the Section 498A IPC protection. The court in its conclusion categorically noted that "Section 498A is held to apply to "live-in relationships" that qualify as "relationships like marriage" with the intent to marry being established as an intrinsic part thereof;"

Simply put, the court intends to extend Section 498A IPC protection only to those relationships which are basically a marriage in all but name. Fear of malicious prosecutions and false reporting for personal reasons remains a broad justification for limiting the protection only to a particular category of live-in relationships.

To visually understand, three groups can exist, one inside the other:

(i) All live-in relationships: Any couple living together

(ii) Relationships "like marriage": A narrower group that ticks the Indra Sarma boxes

(iii) Relationships "in the nature of marriage" + "an intent to marry": The narrowest group and which attracts Section 498A protection.

The court noted that Section 498A protects a 'wife' and a 'husband'. And if neither partner ever wanted to materialize their relationship into a legal marriage, the court finds no reason to treat their relationship as a marriage for the purpose of a criminal case. Therefore, 'while not all live-in relationships are 'relationships like marriage', all 'relationships like marriage' also do not 'mimic marriage'.[23] While punishment under the DVA, 2005 attracts

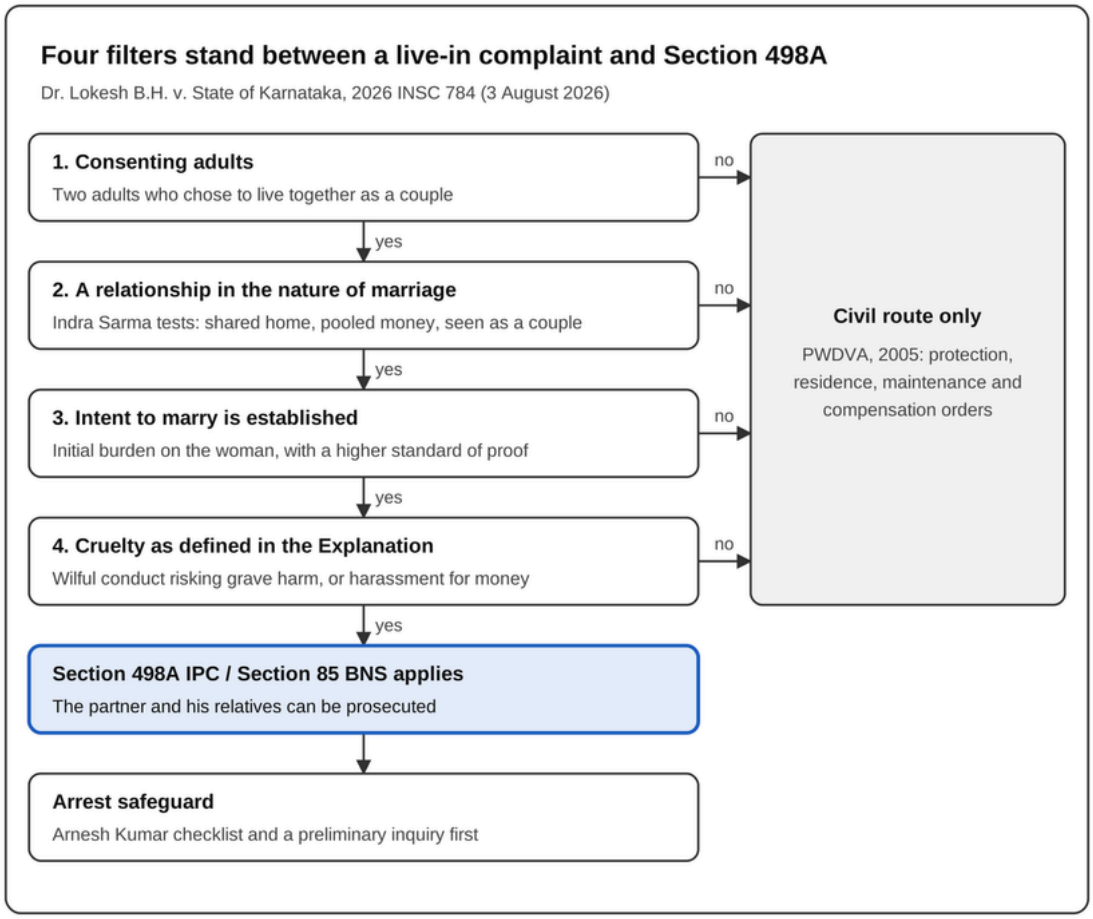
lighter penalties with alternatives, Section 498A IPC could potentially send the perpetrator to prison. Heavier punishment demands stronger and tighter proof of relationship between the man and woman. [24]

As a result, the women, who is in a live-in relationship, who files the complaint under Section 498A IPC (now BNS S.85) bears the burden of proving 'an intent to marriage'. That means evidence such as engagement plans, a promise, family discussions or wedding places. Only once the woman is successful, the burden of answering shifts on the man.

4. Counter Arguments and Limitations

(i) The Union's principal objection was institutional. Living together, however long, does not qualify as 'marriage' under the personal laws or any other statute. Such inadequacy is for the Parliament to cure. Extending Section 498A IPC protection to live-in relationships risks judicial overreach.

(ii) Extending this protection to live-in relationships risks misuse. Given that couples in live-in relationships primarily fall between the 20-30 years of age bracket; the intentions of settling scores, harassing families, personal gains cannot be ruled out due to young age and lack of legal and social awareness. The appellant's counsel warned, after the verdict, that the



phrase “relationship in the nature of marriage” remains open-ended and subjective.[25] Proving ‘intent to marry’ will largely remain subjective, and parties can fluctuate. These concerns are real; however, the court notes that the possibility of misuse does not justify diluting a protective provision.[26]

(iii) The ‘intent to marry’ test is the weakest link indubitably. First, ‘intent to marry’ is a state of mind. Second, the test excludes same-sex couples. Ever since same-sex relationships have been grounded as legal[27], possibility of same-sex live-in relationships cannot be ruled out. They can potentially tick a number of boxes of the Indra Sarma test, yet they cannot show an intent to marriage since the law itself does not allow it.[28] Third, the amicus accepted that Section 498A IPC would not apply where a woman knowingly enters a relationship with a married man.[29] Read with Indra Sarma, such women may remain unprotected even though they are often the most economically dependent.

NOTE: none of these limits undermines the core holding of the apex court. They merely show that the court went as far as interpretation could reasonably go. The remaining gaps are not a failure of judgment. They are the boundary of the judicial role, and they point to the Parliament.

5. Conclusion

Lokesh B.H. settled a question that should never have been hard in the first place. A woman who shares a home, a life and a potential future with a man does not lose the criminal law’s protection against his cruelty because a ceremony was void or skipped. The court reached that result through orthodox tools: the mischief rule, the purposive reading already approved in Reema Aggarwal, and the equality guarantee in Article 14. It also built in safeguards that answer the familiar fear of misuse.

Yet the judgment’s own limits are instructive. By making “intent to marry” the gateway, the court protected women in relationships that look like marriage, not women in relationships of dependence and intimacy as such. Courts can stretch a word only so far. The next step belongs to the Parliament, which wrote the word ‘husband’ in 1983 and repeated it in 2023. The question for lawmakers is no longer whether cruelty beyond marriage deserves a criminal remedy. The Apex Court has answered it; the question is whether the law will name the relationship honestly.

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