BLOGS

IPC Notes: Offences Related to Marriage (Part 1)

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Introduction

Offences relating to marriage **[*Also read: Notes on Dowry Death in India*]** within the IPC are listed between Section 493-498A of the Indian Penal Code. These sections serve as a legal safeguard against actions that can cause harm, deception, or injustice within the institution of marriage. By defining and punishing such offences, the law aims to maintain the integrity of marriages and promote fairness, trust, and equality between spouses. This article will analyze Sections 493-495 of the Indian Penal Code and try to understand better the offences related to marriage.

Section 493 of the Indian Penal Code

The legal system often grapples with complex cases involving relationships, trust, and the consequences of deceit. Section 493 of the legal code addresses the issue of cohabitation resulting from a man deceitfully inducing a belief of lawful marriage.

For instance, Shyam, a man with a history of deceitful behavior, convinces Sunita that they are lawfully married by forging documents and holding a fake wedding ceremony. Sunita, unaware of Shyam's deceptive actions, begins cohabiting with him, only to discover the truth later. Shyam's intentional deception and Sunita's subsequent cohabitation would fall under the purview of Section 493.

Ingredients of Section 493

1. Deception: In order to qualify as a violation of Section 493, the man must intentionally deceive his partner by inducing a belief of a lawful marriage. This deception can involve false representations, fraudulent promises, or misleading actions that lead the victim to believe they are legally married.
2. Cohabitation: The deceived partner must begin living together with the man under the belief that they are lawfully married. Cohabitation refers to sharing a domestic environment, including residing in the same house or apartment, and engaging in a marital relationship.
3. Intent to deceive: The man's actions must be carried out with the intent to deceive the partner into believing they are in a legally recognized marriage. Without the element of intent, the offense under Section 493 may not be established.

One of the important case in this regard is ***Arun Singh v State of UP***. The case involved the Respondent's daughter who was engaged to the Appellant (Accused). They began spending time together and one day, the Appellant convinced Jyoti to engage in a physical relationship with him.

Subsequently, the Appellant started demanding a dowry of Rs. 5 lakhs. Initially, a complaint was filed at the Mahila Thana, but no action was taken. Later, it was discovered that the Appellant had arranged a marriage with another woman for financial gain. As a result, an FIR was lodged against the Appellant under Section 493 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

However, the Court ruled that the essential elements of Section 493 IPC were absent in this case. The allegations did not establish that the Appellant induced Jyoti to believe that she was lawfully married to him, nor did they demonstrate that Jyoti cohabitated with the accused due to deceitful misrepresentation. Consequently, the allegations made in the FIR were deemed to be outside the scope of Section 493 of the IPC.

Section 494 of the Indian Penal Code

Section 494 deals with the legal provision that applies to individuals who enter into a second marriage while already being married to another person. According to this section, if a person, who is presently in a valid and legally recognized marriage, enters into another marriage contract with someone else during the lifetime of their first spouse, they will be held liable under this section of the Indian Penal Code.

Section 494 outlines that such offenders will be prosecuted under this provision. It is important to note that this offence is classified as non-cognizable, meaning that the police cannot arrest an individual without a warrant, and it is also considered a bailable offense.

However, it is worth mentioning that cases of bigamy can be compounded or settled outside of court, but only if the consent of the first spouse is obtained, and the competent court permits such a resolution. This allows for potential reconciliation or resolution between the parties involved.

Ingredients of Section 494

The elements or requirements outlined in Section 494 are as follows:

1. Validity of the first marriage: The initial marriage must have been conducted in accordance with the law, ensuring its legal validity.
2. Occurrence of the second marriage: The individual must have entered into a subsequent marriage, indicating their intention to form a new marital bond.
3. Continuation of the first marriage: The first marriage should still be in effect and not have been terminated or dissolved legally.
4. Survival of the spouse: The spouse from the first marriage must be alive at the time of the second marriage.
5. Validity of both marriages: Both marriages, the first and the second, should be legally recognized and comply with the requirements set by the law.

One of the important cases in this regard is ***Sri. T. Manjanna v State of Karnataka***. The petitioner sought to quash the FIR filed against him under Section 494 of the IPC. The complainant, who was the petitioner's legally married wife, alleged that he had contracted a second marriage during the pendency of their divorce proceedings. However, the court found that there was no evidence supporting the accusation of a second marriage.

Forwarding photographs of another woman does not establish an offence under Section 494 IPC. The complaint lacked the necessary elements to constitute an offence under Section 494 IPC. It was concluded that the prosecution of the petitioner based on these allegations was illegal and an abuse of court processes. The court allowed the petition, quashing the proceedings against the petitioner for the offences under Section 494 IPC.

Section 495 of the Indian Penal Code

Section 495 of the Indian Penal Code deals with the offence of marrying again while concealing a former marriage from the person with whom the subsequent marriage is contracted. This section aims to prevent deceitful actions in matrimonial relationships and protect the rights and interests of individuals involved in such relationships. It encompasses specific ingredients that must be fulfilled to constitute the offence.

Ingredients of Section 495

1. The accused must be legally married to someone.
2. The accused must marry again.
3. The accused must conceal the fact of their former marriage from the person with whom they contract the subsequent marriage.
4. The subsequent marriage must be valid under the law.

Govinda, who is legally married to Raveena, marries Madhuri without informing Madhuri about the existence of the previous marriage with Raveena. Govinda conceals this fact from Madhuri. In this scenario, A can be charged under Section 495 as all the essential ingredients are satisfied.

One of the landmark cases in this regard is ***Subhash Babu v State of Andhra Pradesh***. In this case, the interpretation of the term “wife” and “aggrieved person” under Section 495 of the Indian Penal Code was broadened. The Court looked beyond the technical explanation of the section and focused on the objective of the law in applying it. The Court recognized that the second wife should be considered a lawful wife because she was deceived by the concealment of her husband’s first living spouse.

The Court deemed this act as the most severe form of fraud recognized by the law and emphasized the need for strict punishment. It was established that a second wife can file a complaint against her husband under Section 495, and such a complaint is maintainable.

Conclusion

In conclusion, the inclusion of offenses relating to marriage in the Indian Penal Code serves a crucial purpose in maintaining the sanctity of marital relationships and protecting the rights and well-being of individuals involved. Marriage is a sacred institution that carries significant legal,

social, and emotional implications. Therefore, it is necessary to have specific provisions in place to address offenses that may occur within the realm of marriage.