

2025 LiveLaw (SC) 228

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
VIKRAM NATH; J., PRASANNA B. VARALE; J.**

DECEMBER 12, 2024.

**CRIMINAL APPEAL NO(S). OF 2025 (ARISING FROM SLP(CRL.) NO(S).9243 OF 2024)
ALURI VENKATA RAMANA versus ALURI THIRUPATHI RAO & ORS.**

Penal Code, 1860; Section 498A - Cruelty under Section 498A includes physical or mental harm, independent of dowry demands. The term “or” in the Explanation to Section 498A indicates that clauses (a) and (b) are separate, not conjunctive. The High Court erred in quashing proceedings without adequately addressing allegations of physical cruelty.

Penal Code, 1860; Section 498A - Held, a dowry demand is not a prerequisite for constituting an offence under Section 498A IPC. The provision encompasses two distinct forms of cruelty: (a) willful conduct likely to drive a woman to commit suicide or cause grave injury to her life, limb, or health (mental or physical), and (b) harassment to coerce her or her relatives to meet unlawful demands for property or valuable security. These clauses are disjunctive, meaning cruelty can be established independently of dowry demands if physical or mental harm is proven. The Court emphasized that the core of Section 498A lies in the act of cruelty, not solely dowry-related harassment.

Penal Code, 1860; Section 498A - the appellant (wife) alleged physical assault by her husband and his relatives. The High Court had quashed the proceedings, citing the absence of dowry demand complaints. The Supreme Court found this reasoning flawed, as allegations of physical violence fall within the scope of cruelty under Section 498A. The Court further noted that the legislative intent behind Section 498A, as per its Statement of Objects and Reasons, is to protect married women from all forms of cruelty, not limited to dowry-related harassment. Consequently, the Supreme Court set aside the High Court’s judgment and reinstated the criminal proceedings against the respondents under Section 498A IPC. [Relied on: *U. Suvetha v. State*, (2009) 6 SCC 757; (Para 7, 9, 10, 17)]

ORDER

- 1. Leave granted.**
- 2. The appeal before us arises out of order dated 04.07.2023 passed by the High Court of Andhra Pradesh at Amaravati whereby the High Court has quashed Criminal Case no.428 of 2018 under Section 482 CrPC pending against Accused No.1 - Respondent No.1 and Accused No.2- Respondent No.2. Aggrieved, the Appellant being the de facto Complainant is before us.**
- 3. The factual background of the present case is such that the Appellant is the wife and Accused No.1 is her husband and Accused No.2 is her mother-in-law. The marriage of the Appellant was solemnized with Accused No.1 on 21.08.2005 and the Appellant started residing with him and his family. They had a daughter and a son out of this wedlock. On 17.07.2017 on the Appellant’s complaint, FIR No.112 of 2017 was registered by the Atchampet Police Station, district Guntur under Section 498A read with Section 34 IPC against six accused persons. It was stated by the Appellant that at the time of her marriage, her parents gave cash of Rs.1,00,000/- and gold ornaments worth Rs.10,00,000/-. Further in April 2015, Accused No.1, the husband, had given her**

Rs.40,000/- to help the Appellant's parents financially. However, the Appellant gave that amount to one Subhani who was a tailor in the village stating that he needed it because of the ill-health of his son who was hospitalised and on the promise that he would return the same within four days, however, he failed to do so. The Appellant stated that around that time, disputes came up between her, Accused No.1 - husband and Accused No.2 - mother-in-law in relation to this amount and taking advantage of the dispute, Aluri Ashoka Kumar - Accused No.3, Nathani Sambasivarao- Accused No.5 and Kaka Chanti- Accused No.6 interfered and made baseless attributions against her and on 23.08.2015, Accused No.1, Accused No.2 and Accused No.4 – Nathani Srinadh beat her. The Appellant stated that her maternal uncle settled the dispute stating that he would pay the amount if necessary but then again on 25.08.2015, around 10 AM, Accused No.1 to Accused No.5 beat the Appellant pushing her hands and legs. Thereafter she returned to her maternal home. She further stated that she tried to return several times to her matrimonial home but was prevented from entering the house. The Police investigated the matter and filed a charge sheet only against Accused No.1 – the husband and Accused No.2 – the mother-in-law for offences punishable under Section 498A read with 34 IPC and dropped the charged against Accused No.3 to Accused No.6.

4. Aggrieved by the Magistrate taking cognizance against Accused No.1 and Accused No.2, the petition under Section 482 CrPC was filed by them before the High Court, whereby the High Court, by the impugned order, has quashed the proceedings against the two accused for offences under Section 498A IPC giving rise to the present appeal.

5. We have heard learned counsels for the parties.

6. The High Court has seemingly accepted the submission made by the Accused-Appellants therein that the allegations against them do not constitute the offence under Section 498A IPC since there is no complaint that they harassed the Appellant demanding any amount of dowry. The Respondents' argument before the High Court centred around the submission that the explanation appended to Section 498A IPC requires that there must be a demand for dowry to constitute "cruelty" under the said Section.

7. Firstly, the provision under Section 498-A IPC must be examined. The said provision reads as under:

"498A. Husband or relative of husband of a woman subjecting her to cruelty.- 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.

Explanation.—For the purposes of this section, "cruelty" means—

(a) any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; **or**

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."

8. Section 498A of the IPC was introduced in the year 1983 with the primary objective of protecting married women from cruelty at the hands of their husbands or their in-laws. The section provides a broad and inclusive definition of "cruelty," encompassing both physical and mental harm to the woman's body or health. In addition, it covers acts of harassment designed to coerce the woman or her family into fulfilling unlawful demands for property or valuable security, including demands related to dowry. Notably, the

provision also recognizes acts that create circumstances leading a woman to the point of suicide as a form of cruelty.

9. The definition of "harassment" under the Explanation to Section 498A is specifically outlined in clause (b), independent to the "wilful conduct" described in clause (a), thus necessitating a separate reading of the two. It is significant to note that the inclusion of the word "**or**" at the end of clause (a) clearly indicates that "cruelty" for the purposes of Section 498A can either involve wilful conduct that causes mental or physical harm **or** harassment related to unlawful demands, such as dowry. Moreover, these forms of cruelty can co-exist, but the absence of a dowry-related demand does not preclude the application of the section in cases where there is mental or physical harassment unrelated to dowry. In interpreting the provision, it is crucial to consider the broader objective behind its introduction—to safeguard women from all forms of cruelty, regardless of whether the nature of the harm inflicted includes a specific demand for dowry or not.

10. The statement of objects and reasons for the introduction of this provision in the Indian Penal Code by The Criminal Law (Second Amendment) Act, 1983 (Act No.45 of 1983) reads as under –

"The increasing number of Dowry Deaths is a matter of serious concern. The extent of the evil has been commented upon by the Joint Committee of the Houses to examine the working of Dowry Prohibition Act, 1961. Cases of cruelty by the husband and the relatives of the husband which culminate in suicide by, or murder of, the hapless woman concerned, constitute only a small fraction of the cases involving such cruelty. It is therefore proposed to amend the Indian Penal Code, the Code of Criminal Procedure and the Indian Evidence Act suitably to deal effectively not only with cases of Dowry Death but also cases of cruelty to married woman by their in laws."

11. It is relevant to note the last line which explains that the aim for the introduction of Section 498A in the IPC is not only to curb cruelty relating to dowry demand but also cases of cruelty to married woman by their in laws. A reasonable interpretation of this would be that cruelty within this section goes beyond the definition of cruelty relating just to dowry demand.

12. In the judgment of **U.Suvetha v. State**¹ this Court outlined the necessary ingredients required to establish an offence under Section 498A of the IPC, as follows:

"7. Ingredients of Section 498-A of the Penal Code are:

- (a) The woman must be married;
- (b) She must be subjected to cruelty or harassment; and
- (c) Such cruelty or harassment must have been shown either by husband of the woman or by the relative of her husband."

13. From the above ingredients reiterated by this Court, it is clear that an unlawful demand for dowry is not a prerequisite element to constitute "cruelty" under Section 498A IPC. It suffices that the conduct falls within either of the two broad categories outlined in clauses (a) or (b) of the provision, namely, wilful conduct likely to cause grave injury or mental harm (clause a), or harassment intended to coerce the woman or her family to meet any unlawful demand (clause b). Therefore, either form of cruelty, independent of a dowry demand, is sufficient to attract the provisions of Section 498A IPC and make the offence punishable under the law.

¹ (2009)6 SCC 757

14. Further, in the judgment of **Arvind Singh v. State of Bihar**², this Court observed that –

“25. word ‘cruelty’ in common English acceptation denotes a state of conduct which is painful and distressing to another. The legislative intent in Section 498–A is clear enough to indicate that in the event of there being a state of conduct by the husband to the wife or by any relative of the husband which can be attributed to be painful or distressing, the same would be within the meaning of the section”.

15. The impugned judgment of the High Court carefully examined several legal precedents pertaining to the two distinct limbs of Section 498A IPC. The High Court correctly observed that the decisions cited by the counsel for the accused did not establish that the wilful conduct referred to in clause (a) of Section 498A would only be considered as cruelty if it is coupled with a dowry demand or any unlawful demand for property or valuable security, as specified in clause (b). The High Court rightly rejected this contention. However, following this observation, the High Court also noted that the Appellant did not specifically allege a demand for property or valuable security, and further concluded that the allegation of the accused physically assaulting the Appellant did not amount to "wilful conduct" as envisaged under clause (a) of Section 498A IPC. The judgment of the High Court primarily focused on the issue of whether a dowry demand is a necessary element for the applicability of Section 498A IPC. The conclusion it arrived at was that the two clauses of the provision must be read disjunctively, thereby confirming that the absence of a dowry demand does not preclude the application of the section. Despite this, the High Court went on to quash the criminal proceedings against the accused under Section 498A IPC. Notably, the High Court failed to provide adequate reasoning as to why the allegations made by the Appellant—specifically, that she had been physically beaten—did not amount to "cruelty" under Section 498A IPC. The High Court's decision to quash the proceedings appears to have been primarily influenced by the lack of a dowry-related demand in the case, without addressing the broader implications of the allegations of physical abuse, which can fall within the scope of "cruelty" as contemplated by the provision.

16. Before this Court, the Respondents have contended that the wilful conduct described in clause (a) of the Explanation to Section 498A IPC should only be treated as cruelty if it is accompanied by a dowry demand as outlined in clause (b), or that an unlawful demand for property or valuable security, standing alone, constitutes cruelty under Section 498A. However, in light of the discussion above, it is evident that this submission is without merit and, therefore, is not accepted by this Court.

17. Therefore, upon careful examination of the relevant provisions of Section 498A IPC, the precedents cited, and the factual matrix of the case, it is apparent that the High Court's decision to quash the criminal proceedings against Accused Nos. 1 and 2 was flawed. Section 498A IPC recognizes two distinct forms of cruelty: one involving physical or mental harm in clause (a) and the other involving harassment linked to unlawful demands for property or valuable security in clause (b). These two provisions are to be read disjunctively, meaning that the presence of a dowry demand is not a prerequisite for establishing cruelty under the Section. The allegations made by the Appellant, which detail instances of physical abuse and harassment, fall within the scope of "cruelty" as defined under clause (a) of Section 498A IPC. The absence of an explicit dowry demand does not negate the applicability of the provision where acts of physical violence and mental distress have been demonstrated. The core of the offence under Section 498A IPC lies in

² (2001) 6 SCC 407

the act of cruelty and does not purely revolve around the demand for dowry. Therefore, the High Court erred in quashing all criminal proceedings against Accused Nos. 1 and 2 and the trial ought to have been allowed to be carried out.

18. In light of the above discussion, this appeal is allowed, and the decision of the High Court is set aside, thereby reinstating the criminal proceedings against the Respondents under Section 498A IPC. Trial is directed to proceed as per law.

19. Pending application(s), if any, shall stand disposed of.

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