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Marriage in Substance: Section 498A Reaches Live-In Relationships

4 August 2026 · 5 min read ·

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*On August 3, 2026, the Supreme Court held that a man in a live-in relationship that is “in the nature of marriage” can be prosecuted for domestic cruelty under Section 498A of the Indian Penal Code. A formally solemnised marriage is not a precondition. The judgment, *Dr. Lokesh B.H. and Others v. State of Karnataka and Another*, neutral citation **2026 INSC 784**, was authored by Justice Sanjay Karol, sitting with Justice N. Kotiswar Singh.*

WHAT THE COURT HELD

Section 498A punishes cruelty by a **husband or the relative of a husband** towards a woman. The textual difficulty is obvious: the section speaks of a husband, and a man in a live-in relationship is not one.

The Court’s answer was that the distinction between a married woman and a woman in a relationship in the nature of marriage bears **no rational nexus** with the object of the provision, which is the prevention of domestic cruelty. A classification that does not serve the purpose of the law is arbitrary, and therefore offends **Article 14**.

The Court did not extend the provision to every live-in arrangement. A woman invoking it must establish two things:

CONDITION	WHAT MUST BE SHOWN
Nature of the relationship	That it was akin to marriage, not merely cohabitation
Intention of the parties	That both parties intended to marry

The Court also observed that penal statutes, though ordinarily construed strictly, must be read **purposively** where the object is reformatory and socially beneficial.

THE LEGAL ARCHITECTURE BEHIND IT

This is not the first time Indian law has recognised the category. The importance of the judgment is that it moves the category from **civil** into **penal** territory.

INSTRUMENT	TREATMENT OF LIVE-IN RELATIONSHIPS
Protection of Women from Domestic Violence Act, 2005, Section 2(f)	Defines “domestic relationship” to expressly include a relationship in the nature of marriage . Civil and protective remedies.
D. Velusamy v. D. Patchaiammal (2010)	Laid down the tests for what counts as a relationship in the nature of marriage: the couple must hold themselves out to society as spouses, be of legal age to marry, be otherwise qualified to marry including being unmarried, and have voluntarily cohabited and held themselves out as spouses for a significant period.
Section 498A IPC	Cruelty by husband or his relative. Now extended to a partner in a relationship in the nature of marriage.
Bharatiya Nyaya Sanhita, 2023	Section 498A IPC corresponds to Section 85 BNS ; Section 86 BNS carries the definition of cruelty.

The **doctrinal** move, then, is that a concept developed for the civil protection of women under the 2005 Act has been carried across into criminal liability.

WHY THE JUDGMENT IS CONTESTED

A strong answer engages both sides rather than reciting the holding.

The case for it. Cruelty inside a domestic relationship does not become less injurious because a ceremony was not performed. Where a woman has lived in a marriage-like relationship, often with the same economic dependence, social isolation and family entanglement that marriage produces, denying her the criminal remedy available to a married woman means the law protects the form and not the substance. That is precisely the arbitrariness Article 14 forbids. It also closes an incentive gap, since a man who avoids formal marriage would otherwise avoid the section.

The case against it. Criminal liability is ordinarily created by the legislature, not extended by analogy. Section 498A uses the word “husband”, and reading a non-husband into it widens the reach of a penal provision without parliamentary sanction, which sits uneasily with the principle of strict construction and with the rule against retrospective criminality. There is also the practical objection: **Arnesh Kumar v. State of Bihar (2014)** recorded judicial concern about the misuse of Section 498A and issued guidelines restraining automatic arrest, and expanding a provision already flagged for misuse carries a risk that the judgment’s own two-condition **threshold** may or may not contain.

The evidentiary difficulty. The requirement that both parties intended to marry is a subjective mental state, to be proved after the relationship has broken down and both parties have an interest in characterising it favourably. Whether that condition is a real filter or a formality will depend on how trial courts apply it.

UPSC RELEVANCE

GS Paper 2: Structure and functioning of the Judiciary; Fundamental Rights, particularly Article 14; mechanisms for the protection and betterment of vulnerable sections.

GS Paper 1: Salient features of Indian society; role of women and women's organisations; social empowerment.

Prelims pointers:

- **Section 498A IPC** corresponds to **Section 85 of the Bharatiya Nyaya Sanhita, 2023**; **Section 86 BNS** defines cruelty.
- **Section 2(f), PWDVA 2005** already included a “relationship in the nature of marriage” in the definition of domestic relationship.
- **D. Velusamy v. D. Patchaiammal (2010)** supplies the four tests for a relationship in the nature of marriage.
- **Arnesh Kumar v. State of Bihar (2014)** laid down safeguards against automatic arrest under Section 498A.
- Case citation: **Dr. Lokesh B.H. and Others v. State of Karnataka and Another, 2026 INSC 784**; bench of Justices **Sanjay Karol** and **N. Kotiswar Singh**.
- The constitutional hook in the present judgment is **Article 14**, specifically the requirement of a rational nexus between a classification and the object of the law.

Mains question: “Extending Section 498A to relationships in the nature of marriage advances substantive equality at the cost of the principle that criminal liability is created by the legislature.” Examine this tension, and assess whether the conditions laid down by the Court adequately confine the extension. (250 words)

a man in a live-in relationship in the nature of marriage can be prosecuted under Section 498A IPC. Dr. Lokesh B.H. and Others v. State of Karnataka and Another, 2026 INSC 784, pronounced 3 August 2026; authored by Justice Sanjay Karol, sitting with Justice N. Kotiswar Singh.

the woman must establish (1) that the relationship was akin to marriage and (2) that both parties intended to marry.

the distinction between marriage and a relationship in the nature of marriage has no rational nexus with the object of preventing domestic cruelty, and therefore fails Article 14.

Section 498A IPC = Section 85 BNS 2023; cruelty defined in Section 86 BNS. PWDVA 2005 Section 2(f) already covered relationships in the nature of marriage, but only for civil remedies.

D. Velusamy v. D. Patchaiammal (2010) for the tests; Arnesh Kumar v. State of Bihar (2014) for arrest safeguards.

Sources: LiveLaw, The Tribune, Supreme Court of India

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