

## DOWRY RELATED CRIMES IN INDIA: A CRIMINAL LAW ANALYSIS UNDER THE BHARITYA NYAYA SANHITA (BNS)

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### ABSTRACT

Dowry-related crimes continue to be a deep-rooted social and legal issue in India, reflecting the complex intersection of patriarchal customs and legal enforcement. Despite the existence of targeted legislation such as the Dowry Prohibition Act, 1961, and specific provisions in the Indian Penal Code (IPC), including Sections 498A and 304B, dowry-related violence and deaths remain alarmingly prevalent. With the recent introduction of the Bharatiya Nyaya Sanhita (BNS), 2023—replacing the IPC—this article revisits the criminal law response to dowry crimes in contemporary India.

The paper explores the evolution of anti-dowry legislation and assesses how effectively these laws have been implemented. It includes an analysis of high profile cases such as *State of Tamil Nadu v. Satheeswar & Ors.* (Preeti Dowry Death Case, 2025) and *State of Tamil Nadu v. Kavinkumar & Ors.* (Rithanya Dowry Death Case, 2025). It also addresses critical issues such as the misuse of Section 498A, challenges in evidence collection, delays in prosecution, and the socio-legal impact on victims and their families.

### INTRODUCTION

The practice of dowry in India is one of the most striking examples of how a cultural tradition, initially rooted in affection and security, has over time transformed into a social menace. What began in ancient society as *stridhan*—a voluntary transfer of wealth and property to a woman to provide her with economic independence after marriage—gradually lost its essence as patriarchal norms tightened their grip on social structures. By the medieval and colonial periods, dowry had shifted from being a gesture of goodwill to a compulsory and often exploitative demand by the groom's family, turning marriage into an economic transaction rather than a sacred union. In contemporary times, despite constitutional guarantees of equality and multiple legislative interventions,

dowry continues to thrive in both rural and urban India, not only as a financial burden on families but also as a source of emotional, physical, and psychological violence against women. The persistence of dowry-related harassment, cruelty, and deaths reveals the deep-rooted gender inequalities that law alone has struggled to eradicate. This background makes it essential to examine not just the historical and cultural dimensions of dowry, but also the vital role of criminal law in curbing its worst excesses and the urgent question of why the issue remains disturbingly relevant today.

### LEGAL FRAMEWORK

The legal response to dowry in India has historically evolved from scattered provisions in the Indian Penal Code (IPC) to a more consolidated and structured approach under

the Bharatiya Nyaya Sanhita (BNS), 2023. Under the IPC, two major provisions formed the backbone of anti-dowry legislation: Section 304B, which introduced the concept of “dowry death” and imposed a presumption of guilt on the husband or his relatives if a woman died unnaturally within seven years of marriage after harassment for dowry, and Section 498A, which criminalized cruelty by the husband or his family, including harassment for unlawful property demands. These, along with the Dowry Prohibition Act of 1961, marked a significant legal recognition of dowry as not just a social evil but a punishable crime.

The BNS now addresses dowry-related crimes under its dedicated chapter on offenses against women and children, with Section 80 dealing with dowry deaths and Sections 85–86 addressing cruelty by husband or relatives. While the substance of the law remains largely unchanged—the punishment for dowry death continues to be a minimum of seven years, extendable to life imprisonment—the new code refines definitions and places these crimes within a modernized, gender-sensitive legal framework. This continuity suggests that the legislature did not intend to dilute the seriousness of dowry-related offenses but rather to present them in a clearer, more accessible format that could improve judicial interpretation and reduce misuse. Yet, the effectiveness of both the IPC and the BNS lies not in the wording of statutes alone but in their implementation, as the persistence of dowry-related harassment and deaths shows that legal reform must be complemented by social change and institutional accountability.

### CASE ANALYSIS

The case of State of Tamil Nadu v. Satheeswar & Ors. (Preeti Dowry Death Case, 2025) revolves around the tragic death of Preeti, a 26-year-old woman from Tirupur, who died by suicide less than a year after her marriage in September 2024. Despite her family giving a huge dowry of 120 sovereigns of gold, ₹25 lakh cash, and a ₹38 lakh car, her husband Satheeswar and in-laws

Vijayakumar and Uma allegedly demanded more property proceeds, causing her immense distress. On 13 July 2025, while alone at her mother’s house, she ended her life. The accused were arrested under Sections 304B and 498A of the IPC and relevant provisions of the Dowry Prohibition Act. The legal issues in this case include whether continuous demands for property after marriage qualify as dowry harassment under Section 498A, and whether her unnatural death within 7 years of marriage attracts Section 304B (dowry death). The case is currently under trial, but it reinforces the presumption under Section 113B of the Indian Evidence Act that such deaths are attributable to the husband or in-laws. The impact of this case lies in its exposure of the reality that even after a lavish dowry settlement, demands persist, often disguised as claims over property. The case highlights the failure of dowry prohibition laws in practice, where family testimony and circumstantial evidence become crucial in prosecution. Socially, it demonstrates the persistent normalisation of dowry, even in financially stable families, while legally it will test how courts interpret “cruelty” and “dowry demand” in such contexts.

Similarly, the case of State of Tamil Nadu v. Kavinkumar & Ors. (Rithanya Dowry Death Case, 2025) underscores both evidentiary and investigative challenges in dowry death prosecutions. Rithanya, a 23-year-old woman from Avinashi, Tirupur, died by suicide on 25 July 2025, barely two and a half months after her marriage to Kavinkumar. Before her death, she sent an audio message to her father alleging harassment and cruelty by her husband and in-laws over dowry demands. Following her death, all three were arrested under Sections 304B and 498A IPC along with provisions of the Dowry Prohibition Act. The central legal issues here concern the admissibility of the audio message as electronic evidence under Section 65B of the Indian Evidence Act, and whether such harassment amounts to abetment of suicide under Section 306 IPC. When the accused moved for bail, the Madras High Court sharply

criticized the police for conducting a “mechanical” investigation and directed a more comprehensive forensic report, showing judicial insistence on thorough evidence collection. The case emphasizes the growing role of digital evidence, particularly last messages and recordings, in dowry death cases. Unlike Preeti’s case, which relies heavily on family testimony, Rithanya’s case has digital proof that could serve as a modern form of dying declaration. Its impact may set precedents for how Indian courts admit and rely on such electronic records in sensitive cases of domestic abuse and dowry-related deaths.

Taken together, these cases reflect the persistence of dowry practices in Tamil Nadu despite long-standing prohibitory laws. Preeti’s case highlights how even financially well-off families are trapped in cycles of escalating dowry demands, while Rithanya’s case illustrates the critical role of proper investigation and digital evidence in securing justice. Both expose systemic challenges, including poor enforcement, societal pressure, and the difficulty of proving “cruelty soon before death.” They underline the urgent need for judicial vigilance, effective policing, and stronger protective mechanisms for women to ensure that dowry death laws serve their true purpose.

### CHALLENGES AND CONTEMPORARY ISSUES

Despite the strong legal framework, dowry-related crimes in India continue to expose serious challenges in both law and society. One of the most debated issues is the misuse of Section 498A, where false or exaggerated complaints have been filed, leading to unnecessary arrests and prolonged harassment of husbands and their families including elderly parents and even distant relatives. While such misuse represents only a fraction of cases, it has been enough to create distrust around genuine complaints, often shifting focus away from victims who truly need protection. Even in Rithanya’s dowry case, The husband and his parents were given bail which reduced the trust that the society had towards

law. Adding to this is the reality of low conviction rates in dowry death and cruelty cases, which erodes faith in the justice system. Many victims’ families struggle against social stigma and underreporting, fearing dishonour, retaliation, or the collapse of marriage alliances if they pursue legal action. Even when cases are filed, the burden of proof and evidentiary challenges weigh heavily on the victim’s side—dowry harassment often occurs within the four walls of the home, leaving little documentary or independent evidence. As a result, prosecutions are frequently weakened despite the presumption of guilt under law. Finally, delays in trial make justice elusive: families wait for years while witnesses turn hostile, evidence fades, and the pain of litigation compounds the original trauma. These challenges reveal that while criminal law is essential, it cannot by itself uproot the dowry system; broader social reforms, institutional accountability, and cultural change are equally vital to make justice a lived reality for women.

### REFORMS AND SUGGESTIONS

Tackling the menace of dowry requires not just stronger laws, but a deeper transformation in how society views marriage, women, and economic status. Legal reforms could focus on ensuring speedy trials in dowry cases, perhaps through special fast-track courts that prevent delays and keep witnesses from turning hostile. At the same time, there is a need for balanced safeguards—so that genuine victims are empowered to speak out without fear, while frivolous or malicious complaints are filtered through careful judicial scrutiny. Beyond the courtroom, awareness campaigns and community education are crucial to dismantle the perception of dowry as a status symbol; schools, colleges, and local institutions must actively teach that demanding or giving dowry is not a tradition but a crime. Financial empowerment of women—through property rights, skill development, and economic independence—can also reduce their vulnerability within marriage. Most importantly, reforms must focus on changing mindsets, for

no law, however stringent, can succeed unless families themselves reject the idea of dowry as a prerequisite for marriage. A combined approach of legal enforcement, social reform, and empowerment can slowly but surely erode the foundation of this deeply entrenched practice.

### CONCLUSION

In conclusion, the persistence of dowry in India reminds us that the law, while powerful, cannot by itself erase practices that are deeply woven into the social fabric. The evolution from the IPC to the BNS shows a continuity of legislative intent—to protect women and punish those who exploit them—but the lived reality of victims tells us that implementation is still fraught with gaps. Courts have tried to balance compassion for victims with safeguards against misuse, yet low conviction rates and delays continue to haunt the system. The real battle against dowry lies not only in statutes and judgments but in the everyday choices of families, communities, and institutions that either normalize or reject this practice. Dowry deaths and harassment are not just crimes—they are tragedies that strip away dignity, love, and trust from the institution of marriage. A future free of dowry will require the combined force of effective law, social reform, and above all, a cultural awakening that values women not as economic burdens or status symbols, but as equal partners in society.

### REFERENCES

#### Books:

1. Ratanlal & Dhirajlal's The Bharatiya Nyaya Sanhita, 2023 (Commentary)
2. K.D. Gaur, Textbook on Bharatiya Nyaya Sanhita, 2023
3. Universal's Bare Act: Bharatiya Nyaya Sanhita, 2023

#### Online articles:

1. Times of India, "Tirupur dowry death: Husband, his parents arrested" (2025), available at: <https://timesofindia.indiatimes.com/city/coimb>

[atore/tirupur-dowry-death-husband-his-parents-arrested/articleshow/123174366.cms](https://timesofindia.indiatimes.com/city/coimb)

2. India Today, "Tamil Nadu woman dies by suicide over dowry harassment, family demands arrests" (2025), available at: <https://www.indiatoday.in/india/tamil-nadu/story/tamil-nadu-woman-dies-by-suicide-in-tiruppur-after-dowry-harassment-for-rs50-lakh-property-husband-abuse-2767667-2025-08-07>

3. Indian Express, "Harassed despite dowry of gold, Volvo: Newlywed bride dies by suicide in Tamil Nadu" (2025), available at: <https://indianexpress.com/article/cities/chennai/harassed-dowry-gold-volvo-newlywed-bride-dies-suicide-tamil-nadu-10097814>

4. NDTV, "Tortured For '300 Gold Sovereigns', Newlywed Woman Dies By Suicide In Tamil Nadu" (2025), available at: <https://www.ndtv.com/tamil-nadu-news/newlywed-woman-dies-by-suicide-in-tamil-nadu-physical-mental-monetary-torture-8801872>

#### Case laws:

1. State of Tamil Nadu v. Satheeswar & Ors. (Preeti Dowry Death Case, 2025)
2. State of Tamil Nadu v. Kavinkumar & Ors. (Rithanya Dowry Death Case, 2025)

#### Legislations and statutory provisions:

1. Dowry Prohibition Act, 1961  
Sections 3 & 4 (implicitly covered in context of giving/taking/demanding dowry)
2. Indian Penal Code (IPC)  
Section 304B – Dowry Death  
Section 498A – Cruelty by husband or relatives  
Section 306 – Abetment of suicide
3. Bharatiya Nyaya Sanhita (BNS), 2023  
Section 80 – Dowry Death  
Sections 85–86 – Cruelty by husband or relatives
4. Indian Evidence Act, 1872



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Section 113B – Presumption as to dowry death

Section 65B – Admissibility of electronic records

