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PRATIBHA RANI V. SURAJ KUMAR: AIR 1985 SC 628- Mahi Singh¹

Name of the court: Supreme Court of India

Bench: Justice S. MurtazaFazal Ali, Justice A. Varadarajan and Justice Sabyasachi Mukharji

Date of the Judgement: 12/03/1985

Parties: Appellant:- Pratibha Rani; Respondents:- Suraj Kumar and Another

Facts:

- The Appellant, Pratibha Rani and the Respondent, Suraj Kumar, were wedded according to the Hindu rites and Rituals. Throughout the courting period of the appellant and the respondent, the respondent's family asked for a dowry in light of the marriage.
- The family's demand was considered dowry. The appellant's family provided Dowry worth Rs. 60,000/- in jewellery.
- The requirement of dowry after the marriage persisted. When the appellant and her family failed to meet the respondent and his family's needs, they mistreated and harassed the appellant.
- The respondent unlawfully and dishonestly held the appellant's stridhan with the intention of wrongful gain. The items the appellant's parents gave her were only intended for her use and her use alone; she had all the right to those items.
- The appellant filed a criminal complaint against the respondent and his family when the articles given as a part of her dowry were not recognised as her stridhan and were not returned to her, declaring it to be her dowry instead.

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- The appeal was dismissed by both the lower court and the Punjab & Haryana High Court because the case did not fall within Section 405 of the IPC because the husband's management of the articles did not amount to an assignment as defined by the law. The High Court supported its position by citing the *Vinod Kumar Sethi v. State of Punjab case*.

Statutes Involved:

- Section 14 of the Hindu Succession Act, 1956
- Section 27 of the Hindu Marriage Act, 1955
- Sections 405 and 406 of the Indian Penal Code, 1860
- Sections 12 and 18 of the Domestic Violence Act, 2005

Legal Issue:

- What is the status of Streedhan?
- What are the husband's rights on Streedhan?
- What is the legal partnership between the husband and the wife when jointly holding the streedhan property?
- If the husband refuses to return the streedhan property on demand by his wife, would it amount to a criminal breach of trust under section 405

Contentions of the parties:

- On behalf of the appellant: The counsel representing the appellant contended that the jewellery received by the appellant's marriage upon marrying respondent would be considered streedhan, and she would exercise all the rights on those items.
- On behalf of the respondent: The learned counsel objected to the appellant by contending that the jewellery and items received on their marriage would be considered dowry and would not fall within the ambit of StreeDhan.

Landmark Precedents:

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- A full bench of the Punjab High Court ruled in *Vinod Kumar Sethi & Ors v. State of Punjab and Anr, 1982*, that once a woman joins her married house, whatever streedhan she has purchased becomes joint property as soon as she enters her matrimonial home.
- However, in *Pratibha Rani v. Suraj Kumar & Anr, 1985*, this decision of the Punjab High Court was overruled.

Judgment and Analysis:

- Streedhan is the property that a woman acquires at the time of her marriage; it varies from Dowry in that it is made voluntarily and without force to a woman before or after the marriage. Even if the bride's request for dowry is rejected, she retains her right to "Streedhan" in cases where she has already received it, and her husband does not see it as his own money. 'Streedhan' and 'dowry' have several fundamental differences. The distinction between streedhan and dowry was made evident in this case.
- The law protects a woman's right to her Streedhan. By Sections 14 and 27 of the Hindu Marriage Act of 1955, a female Hindu is the only owner of such property. The Supreme Court of India clarified the idea of "Streedhan" and its legal status under Indian law in the case of *Pratibha Rani vs Suraj Kumar*. "A Hindu married woman is the absolute owner of her Streedhan property and can deal with it in any manner she likes," the Supreme Court of India declared. "Even if it is placed in the custody of her husband or in-laws, they would be deemed trustees and bound to return the same if and when demanded by her."
- The majority held Streedhan's stance among Hindus is pronounced and unambiguous. In the 'Streedhan' situation, the lady is regarded as the only owner of her possessions. This property is for her use and enjoyment, and it was also stated that it may be given or left to someone else in a will without the husband's approval.
- Except for dire hardships like starvation, disease, or the like, the spouse CAN utilise the streedhan but typically has no title to or interest in it; yet, when he can, he is ethically obligated to restore it or its worth. The criminal breach of trust offences under Sections 405 and 406 IPC may apply to her spouse and any other family members who have such property and dishonestly misappropriate it or refuse to restore it.

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- The Supreme Court said that a husband's simple shared ownership of the "Streedhan" property did not imply a formal partnership or co-ownership between him and his wife. The court held that if the husband refuses to restore his wife's "Streedhan" property, the woman may initiate a civil lawsuit under Section 14 of the Hindu Succession Act and Section 27 of the Hindu Marriage Act.
- The 'Streedhan' property of a woman will not be utilised to settle debts acquired by the husband, and it cannot be used as collateral in the execution of the husband as it was established in this case by the concerned court.
- According to the Supreme Court, failing to restore "Streedhan" property would constitute a criminal breach of trust. The court acknowledged that while criminal law offers a co-extensive remedy to the harmed person, civil law also provides treatment. According to the majority judgment, a husband cannot utilise the 'Streedhan' against his wife if entrusted to him without conferring any rights upon him other than the responsibility for its protection.
- Women who are victims of domestic abuse have the right to their Streedhan under Section 12 of the Domestic Abuse Act, 2005. Using Section 12 of the Domestic violence act makes it easier for women to attain their StreeDhan.
- A woman is entitled to ownership of the Streedhan, jewellery, clothing, and other necessities, according to Section 18(ii) of the Domestic Violence Act, 2005. 'Economic abuse' has also been defined in the Act. It involves depriving the woman of any economic or financial resources to which she is entitled under all applicable customary rules, whether such resources are paid at the court's discretion or in any other way.

Critical Analysis:

- Currently, the Pratibha Rani case is the only significant ruling about "Streedhan" statutes that methodically and deeply describes the applicability of sec. 405 of the Indian Penal Code. Women saw This judgment as the light in a dark tunnel as their ownership regarding the street was secured. However, this judgment affected the women and hurt the other section of society.

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- Another point to be noted is that special entrustment is absent under the current legal framework, and there is no distinct agreement. As a result, it is impossible to determine whether the husband was granted the property for the primary purpose of custody or dominion. Since there are adequate civil laws to deal with such circumstances, it would be foolish to draw a strict punitive provision.
- In these situations, filing a civil lawsuit gives room for a possible reconciliation, but if a criminal case is brought, all such prospects are destroyed, and the family disintegrates. The issue of jointness and co-ownership is another one. The problem is that when a woman brings her "Streedhan" property into her husband's family and transfers it to her husband, should this transfer not be assumed to be covered by the presumption of jointness of custody, indicating that the spouses will jointly possess their individual properties?
- Due to shared care and possession of the property, the necessary component of Sec. 405's crime would thus be absent. To protect family harmony, the offence under Section 405 should not be entertained as long as the bond of matrimony exists or there is a chance it will. In such cases, the incentive will be detrimental if there is a fee. As a result, the likelihood of a settlement between the parties will be eliminated. Criminal cases are more difficult to settle than civil matters because the stigma associated with them may be too significant to remove, even over several years.

Sociopolitical Implications:

- It overruled the decision of the Court in *Vinod Kumar Sethi & Ors. v. State of Punjab & Anrin* 1982. It was ruled that Streedhan, a woman acquired at the time of her marriage, becomes a part of the joint property as soon as she enters her matrimonial home. *PratibhaRani v. Suraj Kumar's* judgment provided women with the absolute right of ownership. They can do whatever they deem fit with the property they acquire, whether to sell it or to gift it entirely; it is ultimately at their discretion; to do so, the husband's consent is not required. This judgment also makes women feel secure about their property and also makes them feel safe from the villainous members of their matrimonial homes.

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- However, where it gives security to women related to their property, this judgment also makes it harder for the couple to reconcile. If the case is civil, much scope is left for the settlement between the parties. Nonetheless, the suit of such strict criminal provision would end even the slightest and bleakest chance of reconciliation and their marriage, destroying the marriage. Through this case, the women might be able to regain their street and back, but the possibility of recovering their husbands will be lost.



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