INDIALAW



FAMILY LAW

Legal Protection for Transwomen in Marriages: A New Judicial Precedent Under Section 498-A IPC

AUTHOR Nidhi Singh, Riddhi Agarwal

PUBLISHED 26 June 2025

Introduction

In a landmark ruling, the High Court of Andhra Pradesh in Vishwanathan Krishna Murthy v. The State of Andhra Pradesh (Criminal Petition Nos. 6780, 7064 and 6830 of 2022) decided that a transwomen/ transgender in a heterosexual marriage has the right to be protected under Section 498-A of the Indian Penal Code.

This ruling is not just about one individual's right to legal recourse, it marks a broader judicial acknowledgment of transgender identities within the framework of Indian family law. In doing so, the High Court has reaffirmed the constitutional values of equality, dignity, and non-discrimination, while also cautioning against the misuse of legal provisions in matrimonial disputes. The judgment is a notable development in the changing environment of LGBTQIA+ rights in India.

Background of the Case

The case arose when the Respondent No. 2 (wife) filed a case against the Petitioner No. 1 (husband) and in-laws for cruelty and dowry harassment. It was registered as Crime No. 25 of 2019 at the Women Police Station, Ongole for offences under Section 498-A (punishes cruelty by a husband or his relatives towards a woman, including harassment for dowry) read with Section 34 (fixes joint liability when a criminal act is committed by multiple people with shared intent) of IPC and Section 4 (punishes the act of directly or indirectly demanding dowry) of the Dowry Prohibition Act, 1961. The wife claimed that she got married to Petitioner No. 1 on 21-1-2019 at Arya Samaj, Hyderabad following Hindu rites and customs, knowing that she was a transwoman. At the time of marriage, her parents gave an amount of Rs. 10,00,000/- to Petitioner No. 1 as dowry, along with 25 sovereigns of gold, silver articles weighing 500 grams and household items worth Rs. 2,00,000/-.

The couple lived together until 11-3-2019 and thereafter, the Petitioner No. 1, i.e., the husband went to his parent's house and never returned. Later, the wife received a threat message from her husband's phone along with vulgar messages. As a result of this, she lodged a complaint against her husband and in-laws. The police filed a charge sheet against the Petitioners as C.C. No. 585 of 2022 on the file of the Court of II Additional Magistrate, Ongole.

Advancement of Arguments

The learned counsel for Petitioners submitted that Respondent No. 2 could not be considered a "woman" to lodge a complaint against the husband and his relatives for the offence under Section 498-A IPC. He further relied upon the judgment of Supriyo @ Supriya Chankraborty & another v. Union of India, where it was held that a "transgender" could not be read as a "woman" under family law. It was further submitted that since a transgender cannot bear a child, she cannot be a mother and therefore cannot be considered a woman in the complete sense.

Points for Determination

(1) Whether the complaint lodged by Respondent No.2, being a trans woman, for the offence under Section 498-A read with 34 IPC and Section 4 of D.P. Act, is maintainable or not?

(2) Whether there are any justifiable grounds for quashment of the proceedings against the Petitioners/Accused Nos.1 to 4 in C.C. No.585 of 2022 on the file of the Court of II Additional Munsif Magistrate, Ongole?

Court's Observations

1. The Court began the proceedings by analyzing gender identity and the difference between a "cis female" woman and a "transwoman". A "cis female" means a person assigned female at birth, who identifies as a woman. Conversely, a "transwoman" is a person who was assigned male at birth but identifies and lives as a woman.

As per Section 2(k) of Transgender Persons (Protection of Rights) Act, 2019, a "transgender person" means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as kinner, hijra, aravani and jogta."

Referring to the National Legal Services Authority v. Union of India, the Court reiterated that the right to self-identify one's gender is constitutionally protected under Articles 14 (guarantees equality before the law and equal protection of laws), 15 (prohibits discrimination by the State on grounds like sex, caste, religion, etc),

19 (protects freedoms like speech, movement, and association, subject to reasonable restrictions), and 21 (protects the right to life and personal liberty, including dignity and identity).

Further, the Court held that the Parliament enacted the Transgender Persons (Protection of Rights) Act, 2019 which provides for the protection of the rights of transgender persons, including transwomen, irrespective of whether they undergo medical procedures. Section 2(k) of the Act was interpreted as being inclusive and affirming diverse gender identities.

The Court dismissed the Petitioner's argument that merely biological reproduction or motherhood is essential for legal recognition of a "woman". The Court categorically rejected the petitioner's argument that the inability to conceive disqualifies a transwoman from legal protection, holding that such reasoning is discriminatory and contrary to Articles 14, 15, and 21.

Recognizing the validity of the marriage under Hindu customs, the Court held that the transwoman, being in a heterosexual relationship, is fully entitled to seek protection under matrimonial laws, including the right to file a complaint under Section 498-A IPC. Although a certificate from the District Magistrate under the Transgender Persons (Protection of Rights) Act, 2019 was not filed, the charge sheet included a medical certificate from Kilpauk Medical Hospital identifying the complainant as a transgender person. The Court accepted this as sufficient for the recognition of her gender identity.

2. Justice Dr. Venkata Jyothirmai Pratapa noted that Section 482 (grants High Courts with inherent powers to quash criminal proceedings to prevent abuse of legal process) CrPC is a vital tool meant to prevent abuse of process and ensure justice. However, it should be exercised judiciously and only when allegations are clearly without merit. The Court reiterated that the purpose of Section 498-A IPC is to curb cruelty inflicted upon women but warned against its misuse as a weapon of personal vendetta.

Upon examining the complaint, the Court found that the primary accusation against Accused No.1 (the husband) was that he stopped cohabiting and allegedly sent a threatening message. Crucially, there were no direct allegations of cruelty or dowry demand. The complaint merely stated that gifts and money were given at the time of marriage, a love marriage solemnized without the presence of Accused Nos.2 and 3 (his parents). Similarly, the claim that Accused No.4 (a relative) orchestrated events was devoid of any substantive evidence.

Furthermore, the Court found that the allegations made against Accused Nos. 2 and 3 (in-laws) and Accused No. 4 (a relative) were vague, lacking any specific material or evidence to indicate cruelty or dowry demands. It observed that the complaint did not disclose any prima facie offence against them. The presence of a cordial relationship with the in-laws, and the absence of any role in the solemnization of the marriage further weakened the case. The petitions were allowed, and the criminal proceedings in C.C. No. 585 of 2022 were quashed. However, the Court made it unequivocally clear that transgender persons in heterosexual marriages are entitled to legal protection under Section 498-A IPC.

Judicial Precedents Relied Upon by the Court

- National Legal Services Authority v. Union of India (2014) – This foundational judgment affirmed the right of transgender persons to self-identify their gender and held that legal recognition cannot be contingent on medical or surgical intervention. It anchored gender identity within the constitutional guarantees of equality, liberty, and dignity.
- K.S. Puttaswamy v. Union of India (2017) – This nine-judge bench recognized privacy as a fundamental right and affirmed that sexual orientation and gender identity are integral to individual dignity and autonomy.
- Navtej Singh Johar v. Union of India (2018) – This judgment decriminalized Section 377 IPC and highlighted that homosexuality is an inherent identity, and queer individuals are entitled to equal legal protection.
- Arunkumar v. Inspector General of Registration – The Madras High Court held that a transwoman qualifies as a "bride" under the Hindu Marriage Act and upheld a marriage between a cisgender man and a transwoman.
- Vithal Manik Khatri v. Sagar Sanjay Kamble & Ors. (2023) – The Bombay High Court ruled that a transwoman who had undergone gender reassignment could be treated as an "aggrieved person" under the Domestic Violence Act, 2005.
- Supriyo @ Supriya Chakraborty v. Union of India (2023) – Though the majority in this five-judge bench rejected recognition of same-sex marriage under the Special Marriage Act, the Court unanimously acknowledged that transgender persons in heterosexual relationships are entitled to marry under existing laws. The Andhra Pradesh High Court highlighted this point to dismiss the petitioner's reliance on Supriyo.

- Dara Lakshmi Narayana v. State of Telangana (2024) – The Court cited this case to caution against implicating extended family members in dowry cases without specific allegations.
- Muppidi Lakshmi Narayana Reddy v. State of Andhra Pradesh (2025) – Reiterated that vague and baseless allegations in matrimonial disputes do not meet the threshold for criminal prosecution.

Conclusion

This judgment by the Andhra Pradesh High Court marks a significant step forward in affirming the constitutional and legal rights of transgender individuals within the institution of marriage. By recognizing that a transwoman in a heterosexual marriage is entitled to protection under Section 498-A IPC, the Court not only upheld the spirit of equality enshrined in Articles 14, 15, and 21 of the Constitution but also reinforced the jurisprudence established in landmark cases like NALSA and Arunkumar. Importantly, the Court balanced its progressive interpretation with judicial prudence by quashing proceedings unsupported by specific allegations, thus preventing misuse of penal provisions. This decision strengthens the legal recognition of gender identity while also underscoring the judiciary's role in curbing abuse of the criminal process. It stands as a precedent for inclusivity, dignity, and fairness in both criminal and family law.

For further details, contact us at: contact@indialaw.in

Related Practice Areas

Civil & Commercial Litigation