

LAW AREA NAME : WOMAN
SECTION NAME : SOCIAL LAWS
SUB SECTION NAME : STRIDHANAM

LAW IN BRIEF

Any property or valuable given to a woman at the time of her marriage or during the marriage ceremony, any property conferred on her by way of a will, any gift given to her by her parents, siblings and in-laws are all part of the woman's property (Stridhan). She is the rightful owner of all such property and her husband or his relatives have no right over such property. With a view to avoiding any likely future dispute regarding stridhan property, the Dowry Prohibition Act, 1961 has provided that the presents made at the time of marriage should be entered in the list to be maintained in accordance with the rules made under the Act.

LAW IN DETAIL

The Supreme Court in Prathibha Rani Vs Suraj Kumar (AIR 1985 SC 628) has observed that stridhan property of a married woman, even if it is placed in the custody of her husband or in-laws, they would be deemed to be trustees and therefore are bound to return the same when demanded by her.

A person who denies a woman her dowry-property or stridhan as explained above is guilty of the offence of criminal breach of trust u/s 405/406 of the IPC.

The offence of criminal breach of trust is punishable with imprisonment up to 3 years or fine or both.

It is a cognizable, compoundable (up to Rs.250 only) and a non-bailable offence.

PROCESS FOR SOLUTION

Complaint Under which Section ?

Section 406 of the Indian Penal Code

Whom to complain / where to complaint?

Any person may make a complaint regarding the denial of a woman's property to her to the nearest police station where an FIR will be lodged.

The Metropolitan Magistrate or First Class Judicial Magistrate has the jurisdiction to try the offence of criminal breach of trust.

How to file the Case ?

The concerned woman may file a complaint against her husband or in-laws either in the police station or to the concerned Magistrate.

The list prepared at the time of marriage of the gifts received by her will be useful to prove her ownership of the alleged property.

If it is a continuous offence, the limitation is begins afresh each time she makes the demand.

What Next ?

Appeal lies to the next court in the hierarchy.

ALTERNATE REMEDIES

If the value of the property in question is less than Rs.250, it is possible to compound the case with the permission of the Court.