

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 4 | Issue 4

2021

© 2021 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com>)

This Article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

Matrimonial Cyber Crimes

DEVYANI GUPTA¹ AND PRABHJOT SINGH²

ABSTRACT

Matrimonial sites had become a brand-new spot for criminal activities in the Asian nations. Asian nation may be a nation keen about marriages and wherever urban voter's area unit progressively adopting the net route to search out matches, with the net matches creating obtaining fashionable at intervals the country, increasing variety of cyber duping cases has become the matter of nice concern to the marital status websites UN agency helplessness on the far side a degree in checking the menace. In 2015 there has been a 207% rise in online marital status Scams. These scams involve perpetrators UN agency approaches the victim with a wedding proposal on online portals and invariably furnishes pretend information. Prashant French Sudan, International Cyber Law and personal knowledge, Cyber Policy Leader, and urban centre state supreme court attorney says that «Matrimonial sites area unit referred to as intermediaries at intervals the definition of law. {they area unit they're} chargeable for the frauds that are perpetrated through their sites. Marital status sites don't have rigorous KYC procedures in situ and therefore pronto settle for documents/facts provided by pretending profiles, that end in fraud being committed. One resolution may be that they move to eKYC. Another resolution can be provided for insurance, which can change purchasers to create claims in instances of fraud». When accommodation the high-level trust with the victim, the suspect would move into for the aim of crime. In a few of the cases, cops managed to arrest such men. There area unit several alternative cases additionally like a case in the urban centre a person had cheated fifty ladies into a wedding, he publicized himself as the United Kingdom primarily based Indian engineer trying to find a bride in an internet wedding portal. There's some a collection technique to law for marital status petition documenting AN attractiveness or AN application and below the watchful eye of that Court or Forum or capable position. It is not such a lot that you simply area unit at freedom to document asking or application any time of your time. it is not such a lot that gathering will lead any style of proof.

Keywords- *Matrimonial offense, crimes, cyber law, petition.*

¹ Author is a student at Galgotias University, India.

² Author is a student at Galgotias University, India.

Matrimonial sites had become a brand new spot for criminal activities in Bharat. Bharat could be a nation dependent on marriages and wherever urban voters square measure progressively adopting the net route to search out matches, with the net matches creating obtaining well-liked inside the country, increasing variety of cyber duping cases has become the matter of nice concern to the married websites UN agency helplessness on the far side a degree in checking the menace. currently, days to have easier ways of obtaining married, young generation value more highly to register themselves on varied married sites. These sites change to go looking outmatch to the poverty-stricken folks. It additionally saves time from going from one place to a special. in step with the on-line survey, it's found that married websites became {the preferred the well-liked the well-liked} and really popular choice for the soulmate seekers inside the country and abroad. Meanwhile, the dreaded growth of law-breaking poses a threat to society as their international rate is supposedly four per cent per week³ These matrimonial sites are not enough trust worthy these sites could be subject of cybercrime, these scams are on the rise and constitute a major proportion of cybercrime in India. In 2015 there has been 207% rise in Online Matrimonial Scams.⁴ These scams involve perpetrators who approach the victim with a marriage proposal on online portals and invariably furnish fake data. A typical modus operandi of a matrimony fraud involves the fraudsters creating fake profiles in Matrimonial websites posing as software professionals or doctors or marketing professionals, settled in abroad, and target people who are economically sound. The punishment of the offence has been provided under Section 66D of the Information Technology Act, 2000.

Prashant Mali, International Cyber Law and Private expert, Cyber Policy Leader, and Bombay High Court Lawyer says that “Matrimonial sites are called intermediaries within the definition of law. They are responsible for the frauds that are perpetrated through their sites. Matrimonial sites do not have stringent KYC(Know your customer) procedures in place and hence readily accept documents/facts provided by fake profiles, which result in fraud being committed. One solution can be that they move to eKYC. Another solution could be provision for insurance, which will enable clients to make claims in instances of fraud”.⁵ Prashant Mali has already handled more than fifty cases that happened through matrimonial sites. In many a cases we could find that matrimonial sites are always been a subject of crime, and innocent ones get

³ The Economic Times. 2021. *Cyber frauds worry matrimonial business*. [online] Available at: <<https://m.economictimes.com/tech/internet/cyber-frauds-worry-matrimonial-business/articleshow/2431450.cms>> [Accessed 8 July 2021]. visited on 11 may, 2020

⁴ Cyberjre.com. 2021. *Online Matrimonial Scams Law, Fraud on Matrimonial*. [online] Available at: <<http://www.cyberjre.com/online-matrimonial-scams-c-17.html>> [Accessed 8 July 2021].

⁵ Amar, S., 2021. Not made in heaven: Do's and don'ts when you look for a life partner online | Citizen Matters. [online] Citizen Matters. Available at: <<https://citizenmatters.in/dos-and-donts-while-matchmaking-on-online-matrimonial-websites-13857>> [Accessed 8 July 2021].

trapped easily. Matrimonial sites are good source to find matches for the one but at the same times should not trust any one blindly and go into the deep investigation. Now a days its very common to do fraud in the name of marriage. In the first six months of 2017 it has been seen an increase in the instances of women duped by fraudulent suitors through Matrimonial websites.⁶ In most of the cases, fraudsters create profiles on the matrimonial websites as “NRI” men looking for brides, identifies their targets and insinuate themselves into their lives. After establishing the contact, the suspect would build trust through regular conversation on social networking sites. The first objective for the suspect is to get as many details about the victim as possible, including their phone numbers. After stabling the high-level trust with the victim, the suspect would go in for the purpose of crime. He would tell the victim that he is coming to the India and then his final execution of the plan starts were he convinces the victim that after his arrival in India he lost all his valuables to thieves, or has been detained by customs officials, and then, to bride the authorities concerned, or claiming to have no money remaining, the suspect would ask the women for large sums. By now, ensnared in the suspect’s honey trap, the victim would willingly transfer the money to the suspect, after which, he would vanish into the thin air. In few of the cases, cops managed to arrest such men. There are many other cases also such as a case in Chennai a man had cheated fifty women into marriage, he advertised himself as a UK based Indian engineer looking for a bride in an online marriage portal. In almost every case it was found that suspects show themselves as they are well settled in abroad and most of the targeted victims were from economically sound background. An officer of the cyber crime cell said “We have observed that many victims are widows and divorced while some are elderly women looking for life partners. But all the victims have been found to be economically sound, according to Crime Branch. This means that the online criminal with face profiles first look foe vulnerable persons and then make contact. In most of the cases the person poses to be settled or working abroad, thus making actual meeting difficult. Later, phone numbers, email addresses and shared to increase communication and gain trust. After gaining the enough trust, money is demanded on various pretexts. Most common is the modus operandi like any other advanced fee scam where money is asked on various pretexts like customs clearance of costly gifts or as conversion charges for foreign currency, government clearances for diamonds, golds or inherited wealth. In some other cases, reason of illness of family member is given and money is asked for treatment. All this money is asked as online transfer

⁶ The Times of India. 2021. *Matrimonial fraud on the rise, more than 50 cases registered this year - Times of India*. [online] Available at: <https://m.timesofindia.com/city/pune/matrimonial-fraud-on-the-rise-more-than-50-cases-registered-this-year/amp_articles/60049950.cms> [Accessed 8 July 2021].

and the person never meets the victim”⁷. It was also said by the senior inspector Sunil Pawar of Cyber Crime cell of Pune Police “After the contact is made through such sites, the tricksters delete the profiles and only communicate through phones, emails or phone messages. Since this year (2016), we have seen 62 such cases in which the women have been cheated to as much as Rs. 3.75 crores. Age group of women varies between 30 and 60, and cheating amount ranges between Rs 15,000 and Rs 94 lakh.”⁸

Cyber Law Diligence means taking “Proper and Reasonable Care and Caution” while dealing with online/technological transactions and activities. It is the responsibility of matrimonial sites to ensure that their platforms are not misused for committing cybercrimes or traditional crime against an unsuspecting clientele. Unfortunately, however, not only these sites completely indifferent to it, even the Indian Government is overlooking the fact that Cybercrime Due Diligence is being routinely flouted by various technology stakeholders in India. An Activist and a Supreme Court Lawyer Prashant Bhushan said that “Cheating and fraud through matrimonial sites are crimes punishable under the Indian Penal Code. There should be laws to regulate the activities of these sites.”⁹ Since matrimonial sites come under IT Act 2000 and there are no clear rules in the act where liabilities of the sites are fixed and even it is said by the Prashant Mali that “The service Providers should be made liable. Only then would they take care to ensure that their sites do not function as platforms for committing fraud”.¹⁰ The online matrimonial cyber fraud is a major concern which should not be taken lightly. Matrimonial websites have to take care and precautions that there shall be no place for fake profiles, and make it compulsory to show their real identity in the profile. Without the real identity proof they should not allow any person to visit their site.

MATRIMONIAL PETITIONS

There is a set technique to law for documenting an appeal or an application and under the watchful eye of which Court or Forum or capable position. Area 21 of Hindu Marriage Act gives that all procedures under this Act will be controlled similarly as might be, by Code of Civil Procedure. In the event that High Court of the concerned State has outlined guidelines

⁷ The Indian Express. 2021. Fraud on Matrimonial, networking sites: Cyber police register 62 cases since January 2016. [online] Available at: <<https://indianexpress.com/article/cities/pune/fraud-on-matrimonial-networking-sites-cyber-police-register-62-cases-since-january-2016-4422853/>> [Accessed 8 July 2021].

⁸ The Indian Express. 2021. Fraud on Matrimonial, networking sites: Cyber police register 62 cases since January 2016. [online] Available at: <<https://indianexpress.com/article/cities/pune/fraud-on-matrimonial-networking-sites-cyber-police-register-62-cases-since-january-2016-4422853/>> [Accessed 8 July 2021].

⁹ Amar, S., 2021. Not made in heaven: Do's and don'ts when you look for a life partner online | Citizen Matters. [online] Citizen Matters. Available at: <<https://citizenmatters.in/dos-and-donts-while-matchmaking-on-online-matrimonial-websites-13857>> [Accessed 8 July 2021].

¹⁰ *Id.*

relating to any matter under the Act, those principles will come into application for controlling the methodology for removal of petitions or applications under the Act.

Code of Civil Procedure, in a word known as C.P.C, is one of resolutions which manages practice and strategy with respect to how, where and by whom a request is to be established; regarding how it is to be chosen; concerning what are the cures accessible to the fruitless and unsatisfied gathering to challenge the choice of the Trial Court and regarding how the allure or modification testing the choice of Trial Court is to be chosen; and furthermore with respect to how the choice given by a Court is to be executed or got carried out.

This Code is separated into two sections. Initial segment contains areas 1 to 158.

In the subsequent part, there are Orders I to 51. Each Order contains rules outlined thereunder. After organization of a request or documenting of an application or appeal, inverse gathering is brought by the concerned Court in order to give him a chance of being heard.

It isn't so much that that you are at freedom to document a request or application anytime of time. Each request or application or appeal is to be documented inside a predefined period. Law of Limitation as accessible under the Limitation Act and some other extraordinary Acts, similar to Hindu Marriage Act directs with respect to when or as to during which period or up to which period one can found an appeal or application.

Under the Code, both the gatherings are given sensible freedom to lead 'proof. There is a technique to lead proof under the watchful eye of the Court. Gatherings to the request are called individually or consistently, to lead separate proof on the side of particular supplications. Proof might be looking like explanations or testimonies of the gatherings or their observers or looking like records. A few archives are accessible with the gatherings. Others might be needed to be brought from various workplaces. It isn't so much that that a gathering can lead any sort of proof. Each gathering needs to show to the Court that the piece of proof which he needs to welcome on record is pertinent for choice of the case. Law of Evidence as cherished under the Evidence Act directs with respect to what piece of proof is important and which is insignificant. This Act additionally endorses strategy with respect to how gatherings to the case are to lead proof.

After phase of driving of proof by the gatherings is finished, the Presiding Officer hears contentions of each side. It is from there on that judgment is articulated. Each gathering is qualified for duplicate of judgment according to strategy set down under the Code of Civil Procedure. Gathering bothered by a ultimate conclusion given by the Court is qualified for record allure or amendment, by and large, under the steady gaze of the Appellate Courts,

according to methodology accessible under the Code of Civil Procedure. Allure and survey applications are to be recorded inside the specified time of impediment. Arrangements of Limitation Act guide us with regards to what is the endorsed time of impediment for documenting of allure, second allure and for audit of the judgment and orders.
