



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>CRLR/541/2026</u> Himanshu Kumar --Revisionist Versus Lakshmi Devi --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Shariq Khurshid, learned counsel for the revisionist. 2. By means of the present criminal revision, the revisionist has challenged the order dated 16.04.2026 passed by the learned Addl. Chief Judicial Magistrate, Kashipur, District Udham Singh Nagar in Criminal Case No.258 of 2023, under Section 406 I.P.C., whereby the application moved by the revisionist under Section 245 Cr.P.C. has been dismissed. 3. Learned counsel for the revisionist would submit that the marriage between the revisionist and the respondent was solemnized on 28.02.2019 in accordance with Hindu rites and ceremonies; that, certain matrimonial disputes subsequently arose between the parties, pursuant to which the respondent/wife instituted Complaint Case No. 258 of 2023 under Section 406 of the I.P.C., which is presently pending before the Court of the learned Additional Chief Judicial Magistrate, Kashipur, District Udham



		Singh Nagar; that, during the pendency of the said complaint case, the revisionist moved an application under Section 245 of the Cr.P.C., seeking his discharge on the ground that the allegations made in the complaint, even if taken at their face value, do not disclose the commission of any offence punishable under Section 406 I.P.C. against the revisionist or the other accused persons; that, the respondent filed her objections opposing the said application; that, the learned trial Court, vide order dated 16.04.2026, rejected the discharge application and proceeded to frame charges against the revisionist and the other co-accused. Aggrieved thereby, the present criminal revision has been preferred. 4. Learned counsel for the revisionist would further submit that the respondent has initiated multiple criminal proceedings against the revisionist and his family members on account of matrimonial discord; that, the learned trial Court failed to appreciate the defence plea and the attending circumstances borne out from the record; that, the complaint is actuated by mala fide and has been instituted with an oblique motive to harass the revisionist; that, the allegations relating to entrustment and misappropriation of <i>stridhan</i> are vague, omnibus and bereft of material particulars, inasmuch as neither the complaint nor the statements recorded during the inquiry disclose the specific articles alleged to have been entrusted, the person to whom such entrustment
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		was made, therefore, in the absence of the essential ingredients constituting an offence under Section 406 I.P.C., the continuation of the criminal proceedings amounts to an abuse of the process of law, and consequently, the impugned order deserves to be set aside. 5. Heard learned counsel for the revisionist and perused the material available on record. 6. Upon a perusal of the complaint as well as the statements recorded during the inquiry, this Court finds that the complainant has specifically alleged that her <i>stridhan</i> was entrusted to the revisionist and his family members at the time of marriage and that despite repeated demands, the same has neither been returned nor accounted for and continues to remain in their possession. At the stage of discharge, the Court is only required to examine whether a prima facie case is made out on the basis of the material placed on record and is not expected to meticulously appreciate the evidence or adjudicate upon the probable defence of the accused. 7. The revisional jurisdiction of this Court is confined to examining the legality, correctness and propriety of the impugned order. The revisionist has failed to demonstrate that the order passed by the learned trial Court suffers from any patent illegality, perversity, jurisdictional error or material irregularity warranting interference. The submissions advanced on behalf of the revisionist
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pertain to disputed questions of fact, which can only be adjudicated upon during the course of trial after the parties adduce their evidence. At this preliminary stage, no ground is made out for interference with the order rejecting the discharge application and framing charges.

8. Accordingly, the criminal revision, being devoid of merit, is dismissed.

9. No order as to costs.

(Alok Mahra, J.)

29.07.2026

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