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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 704/2022**
SHELLYPetitioner

Through: Mr. Pankaj Kumar, Advocate.

versus

STATE GOVT OF NCT OF DELHI AND ORSRespondents

Through: Mr. Hitesh Vali, APP for State.
SI Sandeep, P.S. Bindapur.
Mr. Amir Yadav, Advocate for R-2 &
3.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **18.12.2025**

1. This petition is directed against the judgment dated 19th May, 2022, passed by the Court of the Additional Sessions Judge (SFTC), Dwarka Courts, New Delhi, in Criminal Appeal No. 108/2020 titled “*Shelly v. Deepak & Ors.*” By the impugned judgment, the appellate court dismissed the Petitioner’s appeal and affirmed the judgment dated 11th December, 2019, passed by the Metropolitan Magistrate (Mahila Court) in FIR No. 37/2012, acquitting the accused of the offences under Sections 498A/406/34 of Indian Penal Code, 1860¹.

2. FIR No. 37/2012 was registered on 17th February, 2012 under Sections 498A/406/34 IPC. The charge-sheet, upon investigation, alleged dowry-linked cruelty and misappropriation of the complainant’s *stridhan*.

3. By order dated 4th November, 2016, the Trial Court discharged accused Deepa, Mamta and Dheeraj. Charges were framed for the offence under Section 498A read with Section 34 IPC against Deepak, Raj Rani and



Arun, and for the offence under Section 406 read with Section 34 IPC against Deepak and Raj Rani. They pleaded not guilty and claimed trial. The prosecution examined five witnesses in support of its case. During the pendency of the trial, accused Raj Rani expired, whereupon proceedings against her stood abated by order dated 2nd May, 2018.

4. After the prosecution closed its evidence, statements of the accused were recorded under Section 313 Code of Criminal Procedure, 1973² and all incriminating circumstances were put to them. They denied the allegations. No defence evidence was led. Proceedings continued against Deepak and Arun, and the Trial Court ultimately acquitted them. The appellate court, by the impugned judgment, affirmed the acquittal.

5. Counsel for the Petitioner assails the concurrent judgments on the following grounds:

5.1. Both the Trial Court and the Appellate Court have approached the evidence with an unduly rigid lens and have not engaged with the settled principles that govern appreciation of evidence in prosecutions under Sections 498A and 406 IPC.

5.2. The Trial Court fell into error in concluding that there was no “specific dowry demand”, even though the complainant had specifically stated that the husband persistently pressurised her to get her mother’s house transferred in his name. According to the Petitioner, such insistence on transfer of parental property is, in substance, an unlawful demand of valuable security and falls squarely within dowry-related harassment. The Trial Court itself recorded this assertion in paragraph 17 of the judgment, yet

¹ “IPC”

² “CrPC”



failed to attach due legal significance to it.

5.3. This very ground was raised before the Appellate court, yet the appellate reasoning does not address it. The omission, vitiates the appellate scrutiny, particularly because the ground goes to the core of the finding on Section 498A.

5.4. Both courts have erred in treating the allegations of cruelty as “bald” merely because the complainant and her mother did not furnish dates, months, or specific instances. Domestic cruelty often manifests as a continuing course of conduct. The complainant and her mother in their testimonies repeatedly used the expression “used to”, which conveys habitual and recurring acts. According to the Petitioner, it is unrealistic to expect a victim or her parent to recall each incident with calendar precision, and the courts below erred in drawing adverse inferences on that basis.

5.5. The finding that the complainant suffered from depression or “fits” prior to marriage is also manifestly erroneous. The Trial Court relied upon a medical prescription exhibited as PW3/D4, but that document is dated 20th January, 2011, whereas the marriage took place on 25th April, 2010. The inference that the complainant’s condition pre-dated the marriage is therefore factually incorrect. On the contrary, the post-marriage medical record demonstrates that her mental health deteriorated owing to the alleged conduct of the accused. This point too was raised in appeal but was not dealt with in the Appellate judgment.

5.6. On the above premises, it is evident that the courts below have misread the record, overlooked material aspects, and returned findings that are perverse, resulting in miscarriage of justice.

Analysis



6. The jurisdiction invoked is revisional. It is not a second appeal on facts. The revisional court interferes to correct jurisdictional errors, material irregularity, patent illegality, or perversity resulting in miscarriage of justice. Where the impugned order is an acquittal, and more so where the acquittal has been affirmed in appeal, interference is not warranted as a matter of course.

7. The Supreme Court has consistently held that interference in revision against acquittal at the instance of a private party is confined to exceptional categories such as absence of jurisdiction, wrongful shutting out of evidence, overlooking admissible evidence of a decisive character, or other analogous defects that shock the judicial conscience.³

8. One further limitation is statutory and direct. In revision, the High Court cannot convert a finding of acquittal into one of conviction.⁴ Even where interference is warranted, the remedy is ordinarily to set aside and remit in accordance with law, not to substitute a conviction in revision.

9. The Petitioner, therefore, must show more than a possible alternative view. She must demonstrate that the concurrent view is legally untenable or perverse, in the sense that it rests on misapplication of law or a plainly unreasonable appraisal of the evidence.

Section 498A IPC

10. Section 498A IPC does not criminalise every marital discord. “Cruelty” is a defined statutory concept. It includes, first, wilful conduct of such gravity as is likely to drive a woman to commit suicide or to cause grave injury or danger to life, limb or health, whether mental or physical. It

³ *Venkatesan v. Rani*, (2013) 14 SCC 207; *Vimal Singh v. Khuman Singh*, (1998) 7 SCC 223

⁴ Section 401 Cr.P.C. (corresponding to Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023)



includes, second, harassment with a view to coercing the woman or any person related to her to meet an unlawful demand for property or valuable security, or on account of failure to meet such demand. This insistence on statutory ingredients is not pedantry. It marks the boundary between a private wrong and criminal culpability.

11. The Trial Court drew support from the Supreme Court decision in ***Manju Ram Kalita v. State of Assam***⁵ which cautions that petty quarrels and routine wear and tear of matrimonial life cannot, by themselves, be elevated to “cruelty” within the meaning of Section 498A, and that the material must disclose conduct meeting the statutory threshold.

12. Proceeding on that approach, the Trial Court noticed that allegations of beatings and dowry-related harassment were asserted in broad terms, without contemporaneous material that could corroborate the allegations of repeated physical violence or conduct meeting the “grave injury or danger” limb. The absence of medical or other objective material was treated not as a legal precondition, but as a relevant circumstance while assessing whether the prosecution had established the charge beyond reasonable doubt.

13. The Appellate Court, after reappreciation of evidence, found the allegations in the complaint and testimonies to be general in nature, lacking particulars, insufficient to render a conviction.

14. This Court has examined the reasoning with the Petitioner’s objections in mind. It is correct that domestic cruelty may unfold as a continuing pattern and may not always be capable of being specified with exact dates. Even so, the courts below have not rejected the testimony merely for want of dates. The concern is different: whether the evidence,

⁵ (2009) 13 SCC 330



read as a whole, supplies a verifiable factual foundation that meets the statutory definition. Expressions such as “used to” may convey recurrence in ordinary speech, but they do not, by themselves, meet the standard of proof that criminal adjudication demands. Prosecution could not establish what was demanded, by whom, in what manner, and whether the conduct met the statutory ingredients. On this yardstick, the view taken by the courts below cannot be described as perverse. It is, at the least, a plausible view. In revisional scrutiny, plausibility is not displaced by preference.

15. This also explains why the latitude of cross-examination matters in such prosecutions. The Evidence Act permits contradictions to be proved and credit to be impeached, and enables testing of veracity through searching cross-examination. Where the allegations remain broad, the ability of the defence to test them on material particulars becomes constrained, and courts are entitled to factor that while evaluating the ‘burden of proof’. The Trial Court, having recorded the testimony first-hand, was best placed to assess whether the broad narrative retained credibility when confronted in cross-examination. Absent manifest unreasonableness, revisional interference is not warranted.

Demand to transfer the mother’s house

16. Next, the Petitioner’s contention is that the Trial Court itself recorded that the husband “used to ask” the complainant to transfer her parental house in his name, yet proceeded to hold that the prosecution had not proved any specific dowry demand.

17. In law, “dowry” refers to property or valuable security given or agreed to be given, directly or indirectly, in connection with the marriage. Equally, for purposes of Section 498A IPC, the second limb of “cruelty”



turns on harassment aimed at coercing the woman or any person related to her to meet an unlawful demand for property or valuable security, or on account of failure to meet such demand. The Trial Court noticed that the allegations of cruelty and dowry demand were presented in broad strokes. The complainant spoke of taunts on domestic issues and being labelled of unsound mind. Insofar as dowry-related harassment was concerned, no specific demand for cash or articles was identified with clarity, and there was no contemporaneous medical or other objective material supporting the assertion of repeated beatings on refusal to meet such demand.

18. The Trial Court also noticed that, at one place in testimony, the complainant stated that the husband “used to ask” her to transfer her parental house in his name, which was elaborated in cross-examination to include an alternative insistence that he be permitted to reside in her mother’s property. Even taking this assertion at face value, the courts below found it unsupported by particulars as to the period, frequency, manner of insistence, or any accompanying coercive conduct that would bring it within the statutory concept of harassment “with a view to coercing her” as provided in the statute. On that evidentiary footing, the allegation was treated as too bare to sustain a finding of dowry-related harassment beyond reasonable doubt. At this stage, interference is not warranted merely because a different inference could also have been drawn.

19. The Petitioner also urges that the Appellate court did not separately discuss this ground. An appellate judgment is read as a whole. It is expected to deal with substantial contentions, but it is not vitiated merely because it does not answer every submission of the Appellant’s, particularly where it affirms the Trial Court’s core reasons and concludes, on an overall appraisal,



that the prosecution failed to prove cruelty beyond reasonable doubt.

20. The Appellate court also noted that the complainant and her mother expressed willingness for the complainant to reside with the husband. The Petitioner is right that such willingness cannot, as a matter of law, efface past cruelty. Indeed, victims may seek reconciliation for complex personal and social reasons. However, the Trial Court has not treated this as a legal bar, but as a circumstance bearing on the overall credibility, intensity, and continuity of the allegations.

21. The Petitioner is also right in pointing out that the medical prescription dated 20th January, 2011 post-dates the marriage of 25th April, 2010. To that extent, any suggestion that the document establishes a pre-marriage condition would be factually incorrect. The question, however, is whether this error is decisive. The concurrent conclusions did not turn on this document alone, but on the broader assessment that the cruelty allegations lacked the degree of particularisation and corroborative support necessary to meet the criminal standard of proof.

22. The challenge to the finding under Section 406 IPC stands on an even weaker footing. The law recognises that *stridhan* remains the woman's property and that criminal breach of trust can be made out where there is entrustment followed by dishonest misappropriation or refusal to return on demand. Decisions such as ***Pratibha Rani v. Suraj Kumar***⁶ and ***Rashmi Kumar v. Mahesh Kumar Bhada***⁷ affirm that position. Those propositions, however, do not dilute the evidentiary burden in a prosecution under Section 406 IPC. The prosecution must prove, with reasonable specificity, what

⁶ (1985) 2 SCC 370

⁷ (1997) 2 SCC 397



articles were entrusted, to whom, in what circumstances, and how dishonest retention or refusal is established.

23. The record, as appreciated by both courts, did not establish the foundational facts that typically lend assurance in a Section 406 prosecution, such as a proved list of *stridhan*, cogent proof of handing over, or a proved demand and refusal referable to specific articles. On that premise, the conclusion that Section 406 IPC was not proved beyond reasonable doubt cannot be characterised as irrational or perverse. In revision, the prosecution case cannot be reconstructed by supplying missing links.

24. No jurisdictional error is demonstrated, nor is it shown that any decisive admissible evidence was wrongly excluded or ignored. At the highest, the Petitioner suggests that another view was possible. That, by itself, is not a ground to interfere in revision. The case does not fall within the narrow exceptions warranting interference, as explained in *Akalu Ahir v. Ramdeo Ram*⁸ and *K. Chinnaswamy Reddy v. State of A.P.*⁹

25. The revision petition is accordingly dismissed.

SANJEEV NARULA, J

DECEMBER 18, 2025

as

⁸ (1973) 2 SCC 583

⁹ 1962 SCC OnLine SC 32