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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6735/2025 & CRL.M.As. 28394-28395/2025**
NEETUPetitioner

Through: Mr. Anash, Advocate with Petitioner
(in-Person).

versus

THE STATE NCT OF DELHI & ORS.Respondents
Through: Mr. Hemant Mehla, APP for State.
SI Sheetal with Respondent No. 2 (in-Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
31.10.2025

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1. The Petitioner is the Complainant in FIR No. 352/2018 registered at P.S. Hauz Khas. The marriage of the Petitioner with Respondent No. 1 was solemnised on 28th November, 2017. The Petitioner alleges that dowry articles, including a Ciaz car and INR 5,00,000/- in cash, were given at the time of marriage, and that thereafter the Respondents raised further unlawful demands and subjected her to harassment and physical assault.
2. Based on the Petitioner's complaint dated 01st December, 2017, FIR No. 352/2018 was registered and on completion of investigation, a chargesheet was filed under Sections 498A/406/323/34 IPC. The Trial Court, by order dated 01st May, 2023, directed framing of charges against Respondents No. 2 to 4 under Sections 498A/323/34 IPC and discharged them for the offence under Section 406/34 IPC. Relevant observations of the



order on charge are as follows:

“Matter is pending consideration on point of charge. It is submitted by Ld. Counsel for accused that NCR U/s 323 IPC was registered against the accused and therefore the present FIR containing allegations of section 323 IPC is not maintainable. It is further argued that no MLC is attached with the charge sheet and therefore, Section 323 IPC is not made out.

The Challan and all the accompanying documents have been perused Submissions have been heard. On perusal of record. It is clear that vide letter dated 10.02.2018 complaint of physical assault U/s 323 IPC dated 28.11.2017 by the complaint against her husband and others was referred to CAW Cell as the same was a matrimonial dispute. The present FIR was registered after proper counselling in CAW Cell and therefore, the said NCR cannot be a ground to challenge the maintainability of the present FIR. The allegations of the complaint are supported by medical documents and MLC is not sine qua non for allegations U/s 323 IPC. On the basis of material on record, the court is of the view that there is a prima facie case made out against the accused persons as there are specific allegations attracting the ingredients of sections 498A/323 /34 of IPC against the accused persons. No specific allegation of instrument of property and its dishonest misappropriation is levelled against the accused persons, therefore, they are discharged for the offence U/s 406/34 IPC.

Put up for formal framing of charge/admission/denial of documents U/s 294 of Cr.P.C. and PE on 14.07.2023.”

3. In revision, the Sessions Court upheld the order on charge *vide* order dated 15th March, 2024, giving the following reasons:

*“10. Ld. counsel for the revisionist has contended that the respondents have been wrongly discharged for the offence u/s 406 IPC. Coming to the offence U/s 406 IPC, only general allegations have been made by revisionist against respondents. In my considered view, the facts as alleged by complainant/ revisionist do not reveal that at any point of time, the revisionist made entrustment of her alleged articles to the said respondents or the same were later on misappropriated by the latter with dishonest intention. The necessary ingredients of section 406 IPC are conspicuously missing in the instant case. The factual matrix herein is squarely covered in the judgment titled **Onkar Nath Mishra and Ors Vs. State (NCT of Delhi) and Anr.** (2008) 2 SCC 56. In the said case, the*



allegations against the accused (being the father-in-law) were that he refused to return the stridhan despite the request of the complainant. The Hon'ble Apex Court while quashing the charge for offence under section 406 IPC inter alia observed as follow :-

“In the present case, from a plain reading of the complaint filed by the complainant on 8.11.1994, extracted above, it is clear that the facts mentioned in the complaint, taken on their face value, do not make out a prima facie case against the appellants for having dishonestly misappropriated the Stridhan of the complainant, allegedly handed over to them, thereby committing criminal breach of trust punishable under Section 406 I.P.C. It is manifestly clear from the afore- extracted complaint as also the relevant portion of the charge-sheet that there is neither any allegation of entrustment of any kind of property by the complainant to the appellants nor its misappropriation by them. Furthermore, it is also noted in the charge-sheet itself that the complainant had refused to take articles back when this offer was made to her by the Investigating Officer.

Therefore, in our opinion, the very pre- requisite of entrustment of the property and its misappropriation by the appellants are lacking in the instant case. We have no hesitation in holding that the learned Additional Sessions Judge and the High Court erred in law in coming to the conclusion that a case for framing of charge under Section 406 I.P.C. was made out.”

11. *Further, even if it is assumed that there was an entrustment, then also, I am of the considered view that only general and vague allegations have been made without elaborating upon the date, time and place when the stridhan was handed over. Therefore, in such an eventuality, it would be unsafe to hold that a grave suspicion arises against the said respondents so as to charge them for offence under section 406 IPC.*

12. *In my view, only vague and general allegations have been made by the complainant/revisionist in support of offences under section 406 IPC and no specific role in furtherance of said general allegations have been attributed upon the respondents. This simply leads to a situation where the specific role played by any of said respondents cannot be ascertained in the furtherance of the offence. The allegations are general and omnibus and do not give rise to any grave suspicion against any of the said revisionists.*

13. *As far as charge for offence under section 307/308/325 IPC is concerned, it is evident from record that allegations have been made against respondents that they beat her on 28.11.2017 and police took her*



to Jai Prakash Narayan Apex Trauma Center (AIIMS), New Delhi, where doctor gave her medical treatment and she was discharged. Complainant has claimed that she was taken to the Trauma Center, AIIMS hospital by the police officials, but no document in this regard has been filed on record. She has also claimed that in the night of 28.11.2017, she was again taken by the Police officials to Safdarjung Hospital, where the doctors gave the necessary treatment and put plaster on her leg which was fractured. However, the medical documents of Safdarjung Hospital reveals that there was no grievous injury on the body of the revisionist and also in the the X-ray report, no bone injury was found. She has alleged that the respondents attacked her on her head i.e. parietal region, but no injury on parietal region was found during medical examination.

14. Ld. MM in her order on charge has dealt with the alleged incident of assault and found that prima facie offence u/s 323 IPC is made out. I do not find any reason to take a different view.

15. Though it can be argued that on the basis of the statement of complainant, a suspicion arises against the respondents, however it is a settled law that mere suspicion shall not suffice for framing charge against any accused and the test is that of 'grave suspicion'. Reliance is placed upon judgment of Hon'ble Apex Court in the matter of **Union of India vs. Prafulla Kumar Samal and Ors., AIR 1979 SC 366**, wherein it was held that the Court has the power to sift and weigh the evidence for the limited purpose of finding out whether a prima facie case against the accused is made out or not. It has been further held that where the materials placed before the Court disclosed a grave suspicion against the accused, which has not been properly explained, the Court will be fully justified in framing a charge and proceeding with the trial. By and large, however, if two views are equally possible and the Judge is satisfied that the evidence produced before him gives rise to some suspicion, but not grave suspicion against the accused, he will be fully within his right to discharge the accused. It is a settled law that the presumption howsoever strong cannot take the place of proof. Relevant portion of the afore-mentioned judgment is reproduced hereunder:

“10. Thus, on a consideration of the authorities mentioned above, the following principles emerge: (1) That the Judge while considering the question of framing the charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out:

(2) Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained the Court will be fully justified in framing a charge and proceeding with the trial.

(3) The test to determine a prima facie case would naturally



depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.

(4) That in exercising his jurisdiction under Section 227 of the Code the Judge which under the present Code is a senior and experienced Judge cannot act merely as a Post Office or a mouth- piece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities appearing in the case and so on. This however does not mean that the Judge should make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.”

16. If the present case is tested upon the touchstone of settled principles of law, I am of the considered view that no grave suspicion arises against respondents, so as to charge them for offences U/s 406/307/308/325/34 IPC.

17. I do not find any legal infirmity or material illegality or jurisdictional error in the impugned order which would occasion injustice, if not set-aside. Hence, the revision petition being devoid of any merit is dismissed.

18. TCR be sent back to the Ld. Trial court along with copy of judgment.

19. Copy of this order be given dasti to Ld. counsels forthwith.

*20. **Revision petition be consigned to record room after due compliance.”***

4. Aggrieved, the Petitioner invokes the inherent jurisdiction under Section 482 Cr.P.C. to assail the revisional order.

5. Counsel for the Petitioner urges that the courts below have failed to take into consideration that the Respondents No. 2 to 4 should have also been charged with Sections 307/308/325 of IPC. He submits that an MLC was prepared at the All India Institute of Medical Sciences on the date of the incident, which the police have failed to place on record, despite it being in their possession. It is contended that the non-production of the said MLC has



materially prejudiced the Petitioner, as the Courts below relied upon the absence of medical evidence to decline framing of charges under Sections 325 and 307 IPC. It is alleged that the MLC has been withheld on account of the Respondents' influence with the police.

6. The Court has considered the aforementioned contentions. At the outset, it is important to underscore that the Petitioner has invoked the jurisdiction of this Court under Section 482 of the Cr.P.C., challenging an order passed by the revisional court. In this context, it is well settled that the High Court's inherent jurisdiction under Section 482 Cr.P.C. to interfere with a revisional order is extremely limited. Pertinently, Section 397(3) Cr.P.C. provides that where an application for revision has been made by any person to either the High Court or the Sessions Judge, no further application by the same person shall be entertained.

7. The Supreme Court, in its judgement in **Rajinder Prasad v. Bashir**,¹ relying on its earlier decision in **Krishnan v. Krishnaveni**,² held that where a second revision is barred under Section 397(3) Cr.P.C., a party cannot resort to invoking the inherent powers of the High Court under Section 482 to circumvent this statutory bar, as such an exercise would undermine the object and intent of the provision. In **Kailash Verma v. Punjab State Civil Supplies Corporation & Anr.**,³ Supreme Court further emphasized that the power under Section 482 shall not be utilised as a substitute for a second revision, and can only be exercised in cases of grave miscarriage of justice, abuse of the court's process, violation of mandatory legal provisions, or where the High Court deems it necessary to correct an error committed by

¹ (2001) 8 SCC 522.

² (1997) 4 SCC 241.



the revisional court.

8. It must also be emphasized that at the pre-charge stage, the material placed on record is to be taken at its face value, without evaluating its probative force. If such material raises a strong suspicion regarding the commission of the alleged offence, the matter should be put to trial.⁴ If two views are possible and one leads only to a mere suspicion, discharge may follow.⁵

9. Having examined the impugned order in light of the material placed on record, this Court is of the view that the Revisional Court has taken a plausible view. The accused has been discharged under Section 406 IPC due to lack of specific averments indicating entrustment of the alleged *stridhan* to Respondents No. 2 to 4 or its dishonest misappropriation, which are indispensable ingredients to constitute the offence. The Revisional Court has rightly noted that the allegations were general and omnibus in nature, lacking particulars of time, place, or the individual role of the said Respondents.

10. As regards the plea for framing of charges under Sections 307/308/325 IPC, again this Court finds no infirmity in the Revisional Court's conclusion that the material on record does not support such charges. The allegation of grievous or life-threatening assault remains uncorroborated in the absence of any MLC or other medical evidence. On the contrary, the medical documents on record indicate only simple injuries, with no fracture or head injury noted. The Trial Court's view that, at best, an offence under Section 323 IPC is made out has been duly considered and

³ (2005) 2 SCC 571.

⁴ State of Bihar v. Ramesh Singh, (1977) 4 SCC 39.



affirmed by the Revisional Court upon application of the settled test of “grave suspicion” at the stage of framing of charge. No ground is made out to take a different view. Petitioner contends that an MLC prepared at AIIMS was withheld by the police, is not *prima facie* supported by any material on record. If such MLC exists, the Petitioner would be at liberty to prove the same during trial.

11. In view of the above, this Court finds no perversity, jurisdictional error or material irregularity in the impugned order that would justify invoking inherent powers under Section 482 Cr.P.C.

12. Accordingly, the present petition is dismissed along with pending applications.

SANJEEV NARULA, J

OCTOBER 31, 2025

as

⁵ Union of India v. Prafulla Kumar Samal, (1979) 3 SCC 4.