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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 1529/2012

BALASARASWATHI

.....Petitioner

Through: Mr. Archit Upadhayay, Advocate
(DHCLSC)

versus

NEW LUXMI JEWELLERS

.....Respondent

Through: Mr. Shayuk Kumar, Ms. Muskan,
Advocates

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

30.07.2025

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1. The present petition under Section 482 of Code of Criminal Procedure, 1973¹ is directed against order dated 12th April, 2012 passed by the Sessions Court in Crl. Rev. No. 217/2/11. By the said order, the Sessions Court dismissed the revision preferred by the Petitioner against order dated 19th October, 2011, wherein the Trial Court had framed charges against her under Sections 417/465/467/471/474 of the Indian Penal Code, 1860.²

2. Briefly stated, the case of the Petitioner, as set out in the petition, is as follows:

2.1. The Petitioner entrusted certain items of jewellery to the Respondent firm for repair, for which a receipt was issued to her by a partner of the firm in acknowledgment. Although the Petitioner paid the requisite repair

¹ "Cr.P.C."

² "IPC"



charges, the Respondent failed to return the jewellery and allegedly misappropriated the same. Consequently, the Petitioner filed a complaint before the Consumer Disputes Redressal Forum seeking recovery of the jewellery.

2.2. The Respondent, on the other hand, alleged that the Petitioner had forged and fabricated the aforesaid receipt in support of her claim before the Consumer Forum. Based on this allegation, the Respondent filed a complaint before the Trial Court. After recording the pre-summoning evidence, the Trial Court summoned the Petitioner for offences under Sections 420, 468, 469, 471, and 472 of the IPC. Subsequently, after hearing arguments on the point of charge, the Trial Court, by order dated 19th October, 2011, framed charges against the Petitioner under Sections 417, 465, 467, 471, and 474 IPC.

2.3. Aggrieved by the said order, the Petitioner preferred a revision petition before the Sessions Court, which was dismissed by the impugned order dated 12th April, 2012.

2.4. Still dissatisfied, the Petitioner has invoked the jurisdiction of this Court under Section 482 Cr.P.C., seeking quashing of the impugned order and a consequent discharge from the said proceedings.

3. The principal ground of challenge urged by the Petitioner against the impugned order is that the Respondent failed to adduce any pre-charge evidence before the Trial Court. It is contended that, in the absence of such evidence, the Trial Court erroneously proceeded to frame charges solely on the basis of pre-summoning evidence. The Petitioner has further contended that, in the absence of the FSL report, verifying the signatures of the Respondent on the disputed documents, the Trial Court was not justified in



passing the order on charge. According to the Petitioner, these infirmities vitiate the order framing charge and entitle him to be discharged from the proceedings.

4. The Court has considered the submissions advanced by the Petitioner. 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. Notably, 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 by the other.

5. In this regard, the Supreme Court, in its judgement in **Rajinder Prasad v. Bashir**,³ relying on its earlier decision in **Krishnan v. Krishnaveni**,⁴ 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. The Supreme Court, in **Kailash Verma v. Punjab State Civil Supplies Corporation & Anr.**,⁵ 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 the revisional court.

³ (2001) 8 SCC 522.

⁴ (1997) 4 SCC 241.

⁵ (2005) 2 SCC 571.



6. In light of the above legal principles and keeping in view the limited scope of this Court's inherent jurisdiction against a revisional order, the Court proceeds to examine whether the impugned order results in a miscarriage of justice or constitutes an abuse of the process of law.

7. Essentially, the Petitioner's challenge is to the order framing charges dated 19th October, 2011. In this regard, the position of law is well-settled that at the stage of framing of charge, the Court is not required to conduct a meticulous evaluation of the evidence. Rather, the scope of judicial scrutiny at this stage is limited to forming a *prima facie* view based on the material placed on record. In ***State of Tamil Nadu v. R. Soundirarasu and Others***,⁶ the Supreme Court held that at the stage of framing of charge, even strong suspicion founded on material which leads the court to form a presumptive opinion as to the existence of the factual ingredients constituting the offences alleged, would justify the framing of charge against the accused in respect of that offence. It is only in a case where the Magistrate considers the charge to be groundless that he is to discharge the accused after recording his reasons for doing so.

8. In the present matter, the Trial Court, upon hearing arguments on the point of charge and upon consideration of the material placed on record, including the depositions of the Complainant Witnesses and the purported receipt exhibited by the Respondent, proceeded to frame charges against the Petitioner under Sections 417, 465, 467, 471, and 474 of the IPC, while discharging her for the offences punishable under Sections 420, 469, and 472 IPC. Significantly, the Trial Court also recorded a categorical observation that the Petitioner had forfeited her right to cross-examine the

⁶ (2023) 6 SCC 768.



Complainant Witnesses. It was only thereafter that the matter was posted for arguments on the framing of charge, following which the impugned charges were framed against the Petitioner.

9. The Petitioner has grounded her entire challenge to the framing of charges on the premise that the Respondent did not adduce any pre-charge evidence, and therefore, the Trial Court erred in framing charges solely on the basis of pre-summoning evidence. However, the Respondent has satisfactorily clarified in their reply that the pre-summoning evidence was relied upon by them as pre-charge evidence. This included the depositions of five Complainant Witnesses as well as the purported receipt forming the basis of their complaint. Accordingly, the Petitioner's contention that no pre-charge evidence was led by the Respondent, holds no water and is devoid of merit.

10. Moreover, the Petitioner's contention concerning the absence of an FSL report to dispute the Respondent's signatures on the disputed documents is misconceived. At the stage of framing of charge, the Court is not required to undertake a detailed analysis or verification of such evidence. The issue pertaining to the forgery of the signatures shall be considered on the basis of evidence that the parties may adduce during the course of the trial.

11. Be that as it may, it is of particular significance to note that the Trial Court, as part of the pre-charge proceedings, afforded the Petitioner multiple opportunities to cross-examine the Complainant Witnesses. However, the Petitioner repeatedly sought adjournments on various grounds. Consequently, by order dated 13th October, 2010, the Trial Court unequivocally observed, *"I am constrained to remark that the conduct of the*



accused before this Court as I have been observing for the last many dates of hearing is not appropriate. On the one pretext or the other the accused is hell bent upon taking an adjournment.” In view of the above, the Petitioner’s right to cross-examine was justifiably closed. Therefore, the Petitioner’s contention that no pre-charge evidence was led, thereby rendering her right to cross-examination illusory or ineffective, is wholly misconceived, untenable, and devoid of merit.

12. Furthermore, the aforementioned observations are indicative of the Petitioner’s callous and dilatory conduct before the Trial Court, wherein the proceedings were repeatedly delayed owing to her persistent requests for adjournment. Subsequent to the framing of charges, the Petitioner instituted a revision petition challenging the said order, and thereafter, filed the present petition assailing the order passed in revision. It is crucial to note that the original complaint in the present case was instituted as far back as 4th January, 2007, and the order framing charge was passed on 19th October, 2010. However, owing to the institution of frivolous and baseless petitions by the Petitioner, the proceedings have remained pending for over 18 years.

13. In response to a specific query posed by this Court regarding the current status of the trial, Counsel for the Respondent has apprised the Court that the proceedings before the Trial Court now stand adjourned *sine die* owing to the pendency of the present petition.

14. In light of the foregoing circumstances, this Court is of the considered view that the Petitioner’s conduct, marked by repeated adjournments before the Trial Court and the filing of successive frivolous petitions before the Sessions Court and this Court, manifests a clear intent to obstruct and delay the course of justice. Such conduct constitutes an abuse of the process of law



and cannot be countenanced.

15. The present petition is devoid of any merit, and none of the grounds urged by the Petitioner warrant interference with the concurrent findings of the Trial Court and Session Court.

16. Accordingly, the present petition is dismissed with a cost of INR 25,000/- to be paid by the Petitioner to the Respondent.

17. The Trial Court is directed to revive the proceedings in the impugned complaint. Furthermore, considering that the matter has been pending for a considerable amount of time, the Trial Court is requested to conclude with the trial as expeditiously as possible, in accordance with law.

18. With the aforesaid directions, the present petition is disposed of.

SANJEEV NARULA, J

JULY 30, 2025

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