



2026:DHC:6382



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

Reserved on: 27.07.2026

Date of Decision: 07.08.2026

Uploaded on : 07.08.2026

+ **CRL.M.C. 1781/2025**
XXXXXXXXXXXX

.....Petitioner

Through: Ms. Swaty Singh Malik, Mr. Rohan
Kumar and Ms. Kaushami, Advs.
versus

STATE OF NCT OF DELHI AND ORSRespondents

Through: Mr. Naresh Kumar Chahar, APP for
State.
Mr. H.S. Bhullar, Ms. Bhawani Gupta
and Ms. Eva Verma, Advs.
SI Shikshawati, PS Dwarka
SI Jyoti, (main IO) PS Paschim Vihar

CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

JUDGMENT

MADHU JAIN, J.

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS'), corresponding to Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Cr.P.C.'), assailing the judgment dated 13.12.2024 passed by the learned Additional Sessions Judge (SFTC), South-West District, Dwarka Courts, New Delhi in ***Criminal Revision No. 1999/2024***, whereby the revision petition preferred by the petitioner against the order dated 18.05.2024 passed by the learned Judicial Magistrate First Class (Mahila Court-02), South-West District, Dwarka Courts, New Delhi



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was dismissed. By the impugned order dated 18.05.2024, the learned Trial Court discharged respondent Nos. 2 to 5 in ***FIR No. 364/2019***, registered under Sections 498A/406/377/509/34 IPC at Police Station Dwarka South. The petitioner, being the complainant in the aforesaid FIR, seeks setting aside of the impugned orders.

Brief Facts

2. Facts giving rise to the present petition are that the petitioner was married to respondent no.2 on 28.04.2017 at Arya Samaj Mandir, Rani Bagh, New Delhi, according to Hindu rites and ceremonies. Thereafter, a societal marriage ceremony was performed on 19.06.2017 at City Park Resort, G.T. Karnal Road, New Delhi, whereafter the petitioner joined her matrimonial home at Jhulelal Apartments, Pitampura, and started residing with respondent no.2 and his family members. The petitioner and respondent no.2 are stated to be employed with Air India as an Air Hostess and a Pilot, respectively.

3. According to the petitioner, matrimonial discord arose soon after the marriage. It is alleged that respondent nos.2 to 5 were dissatisfied with the manner in which the marriage had been solemnised and had indicated a demand for a Honda City car, which was declined by the petitioner's father. The petitioner further alleges that her father had incurred expenses of approximately Rs.35 lakhs towards the marriage ceremonies and jewellery. It is also alleged that respondent no.2 insisted that the expenses of their proposed honeymoon to New Zealand be borne by her father, pursuant to which an amount of Rs.3,20,000/- was transferred by him to the petitioner's bank account.

4. The petitioner further alleges that after joining the matrimonial home,



she was subjected to taunts and harassment by respondent nos.2 to 5 concerning the non-provision of a car and the quality of jewellery given by her family. According to the petitioner, on 20.06.2017, respondent no.5 took possession of her jewellery on the pretext of keeping the same in safe custody.

5. It is further the case of the petitioner that during her stay at the matrimonial home, she was subjected to physical and verbal abuse. The petitioner has further alleged that respondent no.2 subjected her to non-consensual sexual acts on several occasions and assaulted her whenever she resisted. According to her, she was also repeatedly criticised and humiliated on account of her manner of dressing, speaking and other personal attributes. She further alleges that respondent nos.2 to 4 made derogatory remarks concerning her community and that, on one such occasion, respondent nos.3 and 4 instigated respondent no.2 to assault her.

6. According to the petitioner, approximately two months after the marriage, she came to know that respondent no.2 had been previously married and divorced, which fact, according to her, had not been disclosed prior to their marriage. She further alleges that she was pressurised by respondent no.2 to resign from her employment and that the matrimonial relationship continued to deteriorate thereafter. It is also alleged that on 27.09.2017, she was assaulted and pressurised by respondent nos.2 to 5 to tender her resignation and agree to a divorce.

7. The petitioner subsequently became pregnant and gave birth to a child at Fortis Hospital, Shalimar Bagh, Delhi. According to her, the strained relationship between the parties continued during this period as well. It is alleged that respondent no.2 prevented members of her parental family from meeting her at the hospital and that she did not receive adequate care from the



respondents during her pregnancy. The petitioner further states that after the delivery, she sought to collect her belongings and jewellery from the matrimonial home. On 29.03.2018, she allegedly demanded return of her jewellery and *stridhan* articles from respondent no.5, but the same were not handed over to her. The petitioner thereafter started residing at her parental home and the parties have been living separately since 29.03.2018.

8. According to the petitioner, efforts were thereafter made by her and her family members to resolve the matrimonial disputes. She is stated to have met respondent no.2 on 04.12.2018 at Hotel Shangri-La, Ashoka Road, Delhi, in an attempt to reconcile their differences; however, the efforts did not fructify. The matrimonial discord eventually resulted in initiation of proceedings between the parties. The petitioner lodged a complaint before the CAW Cell, whereafter FIR No.364/2019 was registered at Police Station Dwarka South for the offences punishable under Sections 498A/406/377/509/34 of the Indian Penal Code, 1860 (hereinafter referred to as '*IPC*').

9. Upon completion of investigation, a chargesheet came to be filed against respondent no.2 for the offences under Sections 377/323/498A/406/509/34 IPC and against the remaining accused persons under Section 498A read with Section 34 IPC. The matter was thereafter placed before the learned MM, Mahila Court-02, Dwarka Courts, for consideration on charge.

10. *Vide* order dated 18.05.2024, the learned MM, Mahila Court-02, Dwarka Courts, discharged the accused persons. So far as the offence under Section 406 IPC is concerned, the learned Trial Court observed that there were no clear and specific allegations regarding entrustment of the *stridhan* articles to accused Madhu Chopra or their dishonest misappropriation. It was further



observed that the accused persons were ready to return the admitted articles, however, the complainant had refused to receive the same. The learned Trial Court also noted that though the allegations under Section 406 IPC were against Madhu Chopra, the chargesheet had been filed against Aditya Chopra, against whom no such allegations had been levelled. Accordingly, both were discharged for the offence under Section 406 IPC. So far as the offence under Section 377 IPC is concerned, the learned Trial Court observed that except the allegations of the complainant, there was no other material or medical evidence on record to substantiate the same. The MLC dated 03.08.2019 also recorded that no external injury was seen and no swab was taken as the alleged incident was two years old. Accordingly, Aditya Chopra was also discharged for the offence under Section 377 IPC.

11. Aggrieved by the aforesaid order, the petitioner preferred Criminal Revision No.1999/2024. Vide order dated 13.12.2024, the learned Additional Sessions Judge dismissed the revision petition observing that the material on record did not raise grave suspicion against the respondents so as to warrant framing of charges for the offences under Sections 498A/323/406/377/509/34 IPC and found no ground to interfere with the order dated 18.05.2024.

12. Aggrieved by the aforesaid orders, the petitioner has approached this Court seeking setting aside of the orders dated 18.05.2024 and 13.12.2024.

Submissions on behalf of the Petitioner

13. Learned counsel for the petitioner submits that the learned Trial Court as well as the learned Revisional Court failed to appreciate the specific allegations and material placed on record. It is submitted that the petitioner had specifically alleged that on 20.06.2017, respondent no.5 took her entire



jewellery for safe custody and thereafter refused to return the same despite demands made on 07.07.2017, 25.08.2017, 12.09.2017 and 29.03.2018. The jewellery bills form part of the chargesheet and the concerned jeweller has also been cited as a prosecution witness. Reliance is also placed upon the messages exchanged between the petitioner and respondent no.2 on 28.04.2018. It is thus submitted that sufficient material exists for framing of charge under Section 406 IPC against respondent no.5.

14. Learned counsel further submits that there are specific allegations against respondent nos.2 to 5 regarding demand of a car, physical assault, verbal abuse and harassment. The statements of the parents and relatives of the petitioner recorded during investigation are also relied upon to submit that a prima facie case under Section 498A read with Section 34 IPC is made out against respondent nos.2 to 5 and under Sections 323 and 509 IPC against respondent no.2. Learned counsel further submits that the Supreme Court in ***Aluri Venkata Ramana v. Aluri Thirupathi Rao & Ors.*** 2024 SCC OnLine SC 5473 has categorically held that Section 498A IPC recognizes two independent forms of cruelty, namely, wilful conduct causing physical or mental injury under clause (a) and harassment for unlawful demands under clause (b), and that the absence of a specific dowry demand does not exclude the applicability of Section 498A where the allegations disclose physical or mental cruelty. It is submitted that, in the present case, the specific allegations of physical assault, verbal abuse and harassment, supported by the statements recorded during investigation, are sufficient to constitute a prima facie case under Section 498A IPC.

15. Learned counsel submits that at the stage of framing of charge, the Court is only required to see whether the material raises a prima facie case or



grave suspicion against the accused and is not required to examine its probative value. Reliance is placed upon *State of Gujarat v. Dilipsinh Kishorsinh Rao* 2023 INSC 894, *State of Maharashtra v. Som Nath Thapa* (1996) 4 SCC 659, *State of M.P. v. Mohan Lal Soni* (2000) 6 SCC 338 and *Sajjan Kumar v. CBI* (2010) 9 SCC 368. It is submitted that the learned Trial Court examined the material beyond the scope permissible at the stage of charge and the learned Revisional Court failed to appreciate the same.

Submissions on behalf of the State

16. Learned APP for the State submits that the learned Trial Court failed to appreciate the material collected during investigation in its entirety. It is submitted that the complaint, statements recorded under Section 161 Cr.P.C., documentary material and the list of *stridhan* articles form part of the chargesheet and disclose sufficient material for consideration of charge against the respondents. It is further submitted that there are specific allegations regarding entrustment of the jewellery articles to accused Madhu Chopra on 20.06.2017 and repeated demands for return of the same thereafter.

17. Learned APP further submits that so far as the offence under Section 377 IPC is concerned, the allegations of the complainant could not have been discarded merely for want of medical or other corroborative evidence. It is submitted that the credibility of the allegations and the requirement of corroboration are matters to be considered at the stage of trial.

18. Learned APP submits that the learned Trial Court committed a jurisdictional error by appreciating the evidentiary value of the prosecution material at the stage of framing of charge. It is submitted that at this stage, the Court was only required to consider whether the material placed on record



raised grave suspicion against the accused persons and was not required to examine whether the material would ultimately result in conviction. It is further submitted that the learned Revisional Court failed to correct the said error while affirming the order of discharge.

Submissions on behalf of the Respondent nos. 2 to 5

19. Learned counsel for respondent nos. 2 to 5 submits that the present petition is not maintainable and deserves to be dismissed. It is submitted that both the learned Trial Court and the learned Revisional Court have, after a detailed appreciation of the charge-sheet, statements recorded under Sections 161 and 164 Cr.P.C., medical records and other documentary evidence, rightly discharged the respondents. It is contended that the petitioner seeks a re-appreciation of evidence under the guise of invoking the inherent jurisdiction of this Court, though no perversity, illegality or jurisdictional error is made out in the impugned orders.

20. Learned counsel further submits that the present FIR is a counterblast to the divorce petition instituted by respondent No.2 and that the petitioner thereafter initiated multiple proceedings, including proceedings under the Domestic Violence Act and Section 125 Cr.P.C., to harass the respondents. It is submitted that there was no complaint against the respondents prior to the institution of the divorce proceedings. He further submits that the petitioner was fully aware of respondent No.2's previous marriage and the earlier criminal case against him, which ultimately stood quashed, and, therefore, the allegations of concealment or fraud are wholly misconceived.

21. It is further submitted that the allegations of dowry demand, cruelty, criminal breach of trust and sexual offences are vague, omnibus, inherently



contradictory and unsupported by any contemporaneous medical or documentary evidence. Learned counsel submits that the essential ingredients of the offences under Sections 498A, 406, 323, 377 and 509 IPC are not disclosed. It is contended that there was no dishonest retention of the petitioner's *stridhan*, as respondent No.2 had admitted the articles lying in his possession, expressed his willingness to return the same and even issued a notice to the petitioner for taking the admitted articles, which she declined. It is further submitted that the petitioner failed to produce bills or other documentary proof regarding the alleged jewellery and *stridhan* articles and that no offence under Section 406 IPC is made out.

22. Learned counsel further submits that the petitioner has made several contradictory statements regarding the alleged incidents and has relied upon fabricated and unreliable documents. It is contended that respondent No.2 took due care of the petitioner during the subsistence of the marriage, bore her medical and other expenses, made sincere efforts to preserve the matrimonial relationship, including arranging separate accommodation, whereas it was the petitioner who voluntarily left the matrimonial home and repeatedly harassed the respondents by making false complaints. It is also submitted that the investigation was unfair and failed to consider the documentary evidence and complaints lodged by the respondents. In these circumstances, it is submitted that the impugned orders are well reasoned and warrant no interference by this Court.

Analysis

23. The settled position of law is that at the stage of framing of charge, the Court is only required to examine whether the material collected during



investigation raises a prima facie case or grave suspicion against the accused. The Court is not expected to conduct a meticulous appreciation of the evidence or determine whether the prosecution is likely to ultimately secure a conviction. At the same time, where the material fails to disclose the basic ingredients of an offence, the accused cannot be compelled to undergo trial merely on the basis of vague or omnibus allegations.

24. Insofar as the allegations relating to cruelty are concerned, this Court finds that both the learned Trial Court as well as the learned Revisional Court have considered the allegations of dowry demand, physical assault and matrimonial discord in the light of the material collected during investigation and have concurrently held that the material did not disclose grave suspicion warranting framing of charge. The impugned orders reflect that the Courts below examined whether the allegations, if taken at their face value, satisfied the essential ingredients of the offences alleged. No perversity or jurisdictional error is found in the concurrent findings warranting interference by this Court insofar as the offences under Sections 498A, 323 and 509 IPC are concerned.

25. Upon examining the impugned orders, this Court is satisfied that the principles governing the stage of framing of charge have been correctly applied by both the Courts below. The judgments relied upon by the petitioner undoubtedly lay down the settled test of prima facie case and grave suspicion; however, the application of that test depends upon the facts of each case. In the present case, both the Courts below, upon due consideration of the material collected during investigation, have concurrently concluded that no grave suspicion arises against the respondents.

26. So far as the offence under Section 406 IPC is concerned, the learned



Trial Court has specifically noticed that there were no clear and specific allegations establishing entrustment of the petitioner's *stridhan* so as to constitute the offence alleged. It also noticed that the respondents had admitted possession of certain articles and had expressed willingness to return the same, whereas the petitioner declined to receive them. The learned Trial Court further found that although the allegations regarding entrustment were against Madhu Chopra, the charge-sheet had been filed against Aditya Chopra for the offence under Section 406 IPC. These findings have also been affirmed by the learned Revisional Court.

27. Likewise, in respect of the offences under Sections 498A, 323 and 509 IPC, the allegations were found to be insufficient to disclose the essential ingredients of the offences alleged, whereas, so far as Section 377 IPC is concerned, except for the allegations of the complainant, no contemporaneous medical or other supporting material was available during investigation. The learned Revisional Court has independently re-examined these aspects and found no ground to interfere with the order of discharge.

28. The jurisdiction of this Court under Section 528 of the BNSS is not intended to substitute its own opinion for that of the Courts below. In the absence of any patent illegality, perversity or miscarriage of justice, interference with concurrent findings is not warranted. The petitioner essentially seeks a re-appreciation of the evidence, which is impermissible in the present proceedings.

Conclusion

29. In view of the aforesaid discussion, this Court is of the considered opinion that the impugned orders do not suffer from any illegality, perversity,



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material irregularity or jurisdictional error warranting interference under Section 528 of the BNSS. The petitioner has failed to demonstrate that the concurrent findings recorded by the learned Trial Court, as affirmed by the learned Revisional Court, are contrary to the settled principles governing the stage of framing of charge or have resulted in any miscarriage of justice.

30. Accordingly, the present petition, being devoid of merit, is dismissed. Pending application(s), if any, shall also stand disposed of.

**MADHU JAIN
(JUDGE)**

AUGUST 7, 2026/Av