



2026:DHC:6110



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 29.7.2026

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+ CRL.M.C. 5330/2026 & CRL.M.A. 22366/2026 & CRL.M.A. 22367/2026

SHILPA JAIN

.....Petitioner

Through: Mr. Varchaswa Singh, Adv. (through VC)

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Nawal Kishore Jha, APP.
ASI Inder Singh, PS Farsh Bazar

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

Madhu Jain, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS') read with Article 227 of the Constitution of India challenges the common judgment dated 22.01.2026 passed by the learned Additional Sessions Judge, Shahdara District, Karkardooma Courts, Delhi in ***Criminal Revision Nos. 210/2024, 209/2024 and 45/2025.***
3. The aforesaid revisions arose from the order dated 24.06.2024 passed by the learned Metropolitan Magistrate, Mahila Court-01, Shahdara



District, Karkardooma Courts, Delhi in proceedings arising from **FIR No. 718/2021** registered at Police Station Farsh Bazar under Sections 498A, 406 and 34 of the Indian Penal Code, 1860. By the said order, the learned Trial Court directed framing of charge against the husband and the parents-in-law under Section 498A read with Section 34 IPC, while discharging them of the offence punishable under Section 406 IPC.

4. **Criminal Revision Nos. 210/2024** and **209/2024** were filed by the father-in-law and the mother-in-law respectively against the direction for framing of charge under Section 498A read with Section 34 IPC. The proceeding instituted by the Petitioner, initially as an appeal and thereafter treated as **Criminal Revision No. 45/2025**, challenged the discharge of Respondent Nos. 2 to 4 under Section 406 IPC. All three revisions were dismissed by the common judgment dated 22.01.2026.
5. Learned counsel for the Petitioner submits that the complaint dated 31.03.2021, the list of articles, the note dated 09.11.2020 and the material collected during investigation disclose a *prima facie* case of entrustment and dishonest retention of the Petitioner's stridhan.
6. Learned counsel submits that the Petitioner was permitted to take only limited articles while leaving the matrimonial home and that the remaining articles continued to be under the joint possession and dominion of Respondent Nos. 2 to 4. Reliance is also placed upon the return of certain articles during the proceedings before the CAW Cell.
7. Learned counsel further submits that the Courts below applied an unduly high standard at the stage of charge, conducted a mini-trial and failed to consider that entrustment in a matrimonial relationship may be



inferred from the surrounding circumstances. Furthermore, it is asserted that the petitioner was not heard by the learned Trial Court and that the impugned orders are non-speaking and mechanical.

8. This Court has heard the learned counsel for the Petitioner and have examined the material placed on record.
9. At the stage of charge, the Court is not required to determine whether the prosecution would ultimately result in conviction. However, the material, taken at its face value, must disclose the basic ingredients of the offence for which the accused is sought to be charged. In the context of Section 406 IPC, there must be *prima facie* material disclosing entrustment of property, or dominion over it, followed by its dishonest misappropriation or conversion, or its use or disposal in violation of the terms governing such entrustment.
10. The learned Revisional Court applied the aforesaid standard and observed as under:

“.....At the stage of framing of charge, the Court need not delve into realm of whether the case is proven beyond reasonable doubt as that determination comes at a later stage i.e. after conclusion of the trial. A strict standard of proof is not required while evaluating the material on record for purpose of framing of charge, however, there must exist prima-facie ingredients of offence for which a person is sought to be charged.”

11. Thus, the contention that the learned Revisional Court applied the standard of proof beyond reasonable doubt is not borne out from the impugned judgment.



12. The complaint states that the Petitioner took certain clothes and jewellery while leaving the matrimonial home and that the remaining articles continued to lie there. The subsequent statement recorded during investigation contains an allegation that the mother-in-law gave the Petitioner some articles and refused to give the remaining articles.
13. However, the list relied upon by the Petitioner is a composite list containing marriage expenses, ceremonial gifts, household articles, personal belongings and articles stated to have been given to different members of the matrimonial family. The note dated 09.11.2020 records the articles which the Petitioner took with her. These documents may support the assertion that certain articles remained at the matrimonial home, but do not, by themselves, set out a clear entrustment of identified articles to each of Respondent Nos. 2 to 4.
14. The plea regarding partial return of stridhan also does not advance the Petitioner's case in the manner urged. The petition itself states that only limited educational documents and some summer clothes were returned and that no jewellery or other stridhan article was returned. The return of such documents and clothes does not, by itself, establish entrustment or dominion over the jewellery and other valuables alleged against all the private Respondents.
15. The learned Revisional Court expressly noticed the Petitioner's contentions that the remaining articles were lying at the matrimonial home, that a list had been furnished before the CAW Cell, that some articles were stated to have been returned and that the articles had been impliedly entrusted to the husband and the parents-in-law. The said contentions were thereafter considered while affirming the discharge



under Section 406 IPC. The plea that the relevant material was ignored or that the common judgment was passed mechanically is, therefore, not made out.

16. The Courts below have not assessed the credibility of the witnesses or returned any finding on the ultimate guilt of the private Respondents. They have only examined whether the material disclosed the essential ingredient of entrustment. Such an examination cannot be termed a mini-trial.
17. The order of the learned Trial Court is brief, but records the reason for discharge under Section 406 IPC. The issue was thereafter examined in detail by the learned Revisional Court. The Petitioner's delay was condoned, her submissions were heard and her challenge was decided on merits. No failure of justice warranting interference is shown on this ground.
18. At its highest, the present petition seeks a different inference from the same material which has already been considered by the Courts below. The inherent and supervisory jurisdiction of this Court cannot be invoked to undertake a second revisional examination in the absence of perversity, patent illegality or failure to consider material evidence. No such infirmity is made out in the present case.
19. Accordingly, this Court finds no ground to interfere with the common judgment dated 22.01.2026 or the order dated 24.06.2024, insofar as the discharge of Respondent Nos. 2 to 4 under Section 406 IPC is concerned.
20. Accordingly, the present petition is dismissed. Pending application(s), if any, also stand disposed of.



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21. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.
22. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

JULY 29, 2026/b/m