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

Reserved on: 16.09.2026

Date of Decision: 01.10.2026

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CNR No. DLHC010586462012

+ **CRL.M.C. 2222/2012 & CRL.M.A. 7884/2012**

POONAM TANWAR

.....Petitioner

Through: Mr. Aditya Rawat and Mr. B.
Karunakaran, Advs.

versus

STATE & ORS

.....Respondent

Through: Mr. Ajay Vikram Singh, APP, Mr.
Shishir Mathur, Ms. Chhavi Gupta,
Advs. for R-2 to R-6. SI Pooja

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

JUDGMENT

MADHU JAIN, J.

1. The present petition under Article 227 of the Constitution of India has been filed by the petitioner seeking setting aside of the order dated 11.01.2012 passed by the learned Additional Sessions Judge-03, South District, New Delhi in ***Criminal Revision No. 24/2010***, whereby the revision preferred by respondent Nos. 2 to 6 against the order dated 02.06.2010 of the learned Trial Court was partly allowed. *Vide* the impugned order, respondent Nos. 2 to 6 were discharged with respect to the offence punishable under Section 406 of the Indian Penal Code, 1860 [hereinafter referred to as 'IPC'] and the charge under Section 498-A IPC was set aside qua respondent Nos. 3 to 6, while respondent No. 2 was directed to face trial for the offence under Section 498-A IPC.



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FACTS

2. The present proceedings arise out of matrimonial disputes between the petitioner and respondent No. 2. As recorded in the complaint, their marriage was solemnised in February 2003, according to Hindu rites and ceremonies. The petitioner joined her matrimonial home at Village Naraina, New Delhi, on 21.02.2003. Respondent Nos. 3 and 4 are her father-in-law and mother-in-law, respectively. Respondent Nos. 5 and 6 are her sisters-in-law.

3. According to the petitioner, shortly after the marriage, respondent Nos. 2 to 6 began harassing her for bringing insufficient dowry and demanded ₹5,00,000/- and a Maruti Esteem car from her parents. She alleged, that she was subjected to physical and verbal abuse in connection with these demands and that respondent No. 2 compelled her to withdraw money from her bank account and hand over her earnings to him.

4. The petitioner conceived in November 2003 whereafter, she alleged, that respondent No. 5 administered medicines to her on the representation that these were beneficial for her pregnancy. According to her, when she developed complications in January 2004, the respondents did not arrange adequate medical treatment. She further alleged that respondent No. 2 declined to give his consent for the medical procedures that were advised to her at the hospitals where she was being examined. On 11.02.2004, the petitioner suffered a miscarriage at Sawan Neelu Angels Nursing Home, Saket. She also states that the expenses of her treatment were borne by her father.

5. Thereafter, the petitioner returned to her matrimonial home on 24.02.2004. According to her, the harassment continued, and she was compelled to resume household work and her employment, despite her medical condition. She alleged that she was turned out of the matrimonial



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home on 20.05.2004 and that subsequent efforts by her family to resolve the disputes were also unsuccessful.

6. On 19.08.2004, respondent No. 2 instituted a petition seeking divorce. The petitioner alleged, that on 31.08.2004, her father approached the respondents to resolve the matrimonial disputes, but they reiterated their demands. She further alleged that her jewellery, cash, fixed deposits [FDs], household articles and clothes remained with different members of her matrimonial family and were not returned despite there being demands made by her for the same. That she was again assaulted by respondent No. 2 when she visited his shop with her brother on the day she went back to her matrimonial home on 03.09.2004, following which she underwent a medical examination and approached the police.

7. The petitioner then submitted a complaint dated 08.09.2004 to the Crime Against Women Cell [hereinafter referred to as 'CAW'], Amar Colony, against respondent Nos. 2 to 6 as a result of which an inquiry was conducted into the complaint, during which the parties were called and the allegations were examined. **FIR No. 775/2005** was subsequently registered at Police Station Malviya Nagar, District South, Delhi, under Sections 498-A and 406 read with Section 34 of the IPC. Upon completion of the investigation, a charge-sheet was filed against respondent Nos. 2 to 6 on 08.06.2006. Cognizance was taken on the same date, and the accused persons were summoned.

8. In the meantime, the divorce petition instituted by respondent No. 2 was dismissed by the learned Additional District Judge, Rohini Courts, Delhi, *vide* judgment dated 30.04.2009.

9. *Vide* order dated 02.06.2010, the learned Metropolitan Magistrate [MM] directed framing of charges against respondent Nos. 2 to 6 under



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Sections 498-A and 406 of IPC. The learned Magistrate observed that the complaint contained specific allegations of dowry demands and beatings against the accused persons, as well as allegations concerning the retention and non-return of the petitioner's dowry articles.

10. Respondent Nos. 2 to 6 challenged the said order by filing **Criminal Revision No. 24/2010** and *vide* the impugned order dated 11.01.2012, the learned Additional Sessions Judge-03, South District, Saket Courts, New Delhi, partly allowed the concerned revision petition in the following terms:

<u>Party/Parties</u>	<u>Status after the passing of the impugned order</u>
<u>Respondent No.: 2</u>	Discharged under Section 406 IPC
<u>[Husband]</u>	Not Discharged under Section 498-A IPC
<u>Respondent Nos.: 3 – 6</u>	Discharged, both under Sections 498-A IPC and 406 IPC
<u>[Father-in-law, Mother-in-law, Sisters-in-law]</u>	

11. The learned Revisional Court considered the complaint, the CAW Cell inquiry and the medical material, and held that the material justified proceeding under Section 498-A IPC against the husband alone. In relation to Section 406 IPC, it held that the complaint lacked specific particulars of entrustment of articles to the individual accused persons. It also took note of the offer by the respondents to return the *istridhan* articles and their subsequent deposit in the *malkhana* pursuant to the Court's directions.

12. Pursuant to the aforesaid revisional order, a charge under Section 498-A IPC was framed against respondent No. 2 on 28.03.2012 wherein he pleaded not guilty and claimed trial. Aggrieved by the aforesaid order dated



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11.01.2012, the petitioner instituted the present petition under Article 227 of the Constitution of India. Notice in the present case was issued on 13.02.2013.

13. During the pendency of the present petition, respondent No. 2 was acquitted under Section 498-A IPC by the learned Metropolitan Magistrate-03, Mahila Court, South District, Saket Courts, New Delhi, *vide* judgment dated 15.12.2022. The learned Magistrate recorded that the petitioner and her mother could not be served despite repeated efforts and had therefore been dropped from the list of witnesses. The petitioner's father had also passed away. In the absence of their testimony, the learned Magistrate held that the remaining formal witnesses could not establish the prosecution's case and thereby, acquitted respondent No. 2.

14. The petitioner thereafter filed ***CRL.M.A. 19546/2023*** in the present proceedings, seeking to set aside the aforementioned judgment of acquittal. On 26.07.2023, the application was dismissed as withdrawn, with liberty to initiate appropriate proceedings to challenge the said judgment.

15. Subsequently, on 17.07.2026, this Court was informed that respondent No. 3, Mr. Sube Singh, had passed away. Accordingly, the proceedings against him were recorded as 'abated'.

SUBMISSIONS ADVANCED

On behalf of petitioner

16. Learned counsel appearing for the petitioner submits that the learned Revisional Court exceeded the permissible scope of scrutiny at the stage of framing of charge by undertaking a detailed assessment of the credibility and sufficiency of the prosecution material. It is contended that the complaint discloses specific incidents, dates and acts attributable to the accused persons, which, taken at their face value, warranted framing of charges. That the truth



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of those allegations and the explanations offered by the accused were matters for trial.

17. With regards to the offence under Section 406 IPC, the learned counsel submits that the finding concerning the absence of entrustment is contrary to the complaint itself. It is submitted that the petitioner specifically stated, that her jewellery was with her mother-in-law, that the FDs and cash were with her husband, that the furniture, television, air conditioner and other household articles were with her father-in-law, and that her clothes and other personal articles were with her sisters-in-law. It is submitted that the complaint further records, that these articles were entrusted to the accused persons and were not returned despite there being demands for the same. The learned counsel also refers to the petitioner's account of the *Lagan* ceremony held on 16.02.2003, when the dowry articles were handed over to the matrimonial family. According to the learned counsel, these averments could not have been rejected as being vague without permitting the petitioner to lead evidence in this regard.

18. Learned counsel for the petitioner further submits that the allegations under Section 498-A IPC extend beyond a general assertion of matrimonial discord as the complaint describes repeated demands for ₹5,00,000/- and a Maruti Esteem car, accompanied by threats of expulsion from the matrimonial home. Particular exception is taken by the learned counsel to the Revisional Court's reasoning that a demand for the LXI variant was improbable because it was not the highest model available. It is submitted that this reasoning rests on conjecture, introduces a defence not advanced by the accused themselves, and affords no basis for rejecting the allegation at the stage of charge.

19. Learned counsel also assails the inference drawn from the petitioner's willingness to return to her matrimonial home. It is submitted that a woman's



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effort to preserve her marriage cannot, by itself, discredit her allegations of cruelty or dowry-related harassment. That the social circumstances in which a woman seeks reconciliation, including the stigma associated with the breakdown of marriage, cannot be disregarded. It is on the basis of the aforesaid that it is submitted, that the petitioner's desire to resume cohabitation was not inconsistent with her complaint.

20. Adverting to the allegations concerning the petitioner's pregnancy, learned counsel submits that a specific role was attributed to respondent No. 5, who was then a dental student, that she administered medicines to the petitioner under the guise of nutritional supplements, following which the petitioner developed complications during her pregnancy. He further submits that there are occasions on which medical assistance was allegedly withheld and respondent No. 2 declined to consent to the treatment that was advised, culminating in petitioner's miscarriage. It is urged that the sisters-in-law's attendance at college did not answer these specific allegations or justify their discharge.

21. Learned counsel disputes the contention that the complaint was a counterblast to the divorce proceedings by stating that respondent No. 2 relied upon a pathological report suggesting that the petitioner suffered from the herpes simplex virus to seek dissolution of the marriage and that the subsequent medical evaluation at AIIMS did not support this allegation, and the divorce petition was therefore, dismissed. According to the learned counsel, the Revisional Court failed to give due consideration to these circumstances while accepting the respondents' explanation for the matrimonial dispute.

22. Lastly, the learned counsel submits that the opinion expressed during the CAW Cell inquiry did not bind the learned Magistrate, who was required



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to independently consider the complaint and the material accompanying the charge-sheet. That the alleged acts occurred within the matrimonial home, that the petitioner's testimony was material to their determination and that its credibility and evidentiary worth could be assessed only at trial. It is accordingly urged that the impugned order be set aside and the order directing framing of charges be restored.

On behalf of private respondents

23. *Per contra*, the learned counsel appearing for the private respondents supports the impugned order and submits that the learned Revisional Court examined the complaint, the CAW Cell inquiry and the medical record before distinguishing the allegations against the husband from those directed collectively against his relatives. It is contended that the allegations of dowry demands and harassment against the family members were general and repetitive in nature, without sufficient material connecting each of them to the alleged offences.

24. Learned counsel submits that the complaint was lodged in September 2004, after respondent No. 2 instituted divorce proceedings on 19.08.2004. Relying upon the CAW Cell inquiry, it is urged by the learned counsel that the matrimonial differences arose following the medical report concerning the petitioner and that the subsequent criminal complaint was a counterblast to the divorce petition filed by respondent no. 2. The learned counsel places reliance on the detailed inquiry conducted, preceding registration of the FIR, which ultimately recommended proceedings against the husband alone. It is submitted that no additional material warranting prosecution of the other family members was brought on record.

25. In relation to Section 406 IPC, the learned counsel submits that the complaint does not contain the necessary particulars of entrustment to the



individual accused persons. That it does not adequately identify, when, by whom and to whom the articles were entrusted, or the circumstances in which they were allegedly misappropriated. According to the learned counsel, an assertion that certain articles remained in the custody of members of the matrimonial family does not, without the requisite particulars, establish a *prima facie* case of criminal breach of trust. It is further pointed out, that the respondents offered to return the *istridhan* articles, but the petitioner declined to receive them, following which they were deposited in the *malkhana* pursuant to the Court's directions.

26. The learned counsel further submits that the allegation concerning the administration of harmful medicines is unsupported by the contemporaneous medical material. Reliance in this regard is placed upon the medical record describing the miscarriage as being spontaneous in nature. It is contended that no history of forced medication was disclosed to the attending doctor and that the record did not connect the miscarriage with any act of the sisters-in-law or other family members. The Revisional Court was, contended, therefore to be justified in considering this material while examining whether there was a basis to proceed against them or not.

27. As regards the sisters-in-law, the learned counsel submits that the inquiry disclosed that they were pursuing their respective courses and ordinarily remained at college during the day. It is urged that the complaint was filed to merely implicate the entire matrimonial family without there being any material establishing their individual involvement. Reliance is placed upon *Neelu Chopra v. Bharti, (2009) 10 SCC 184*, for stating the requirement, that the concerned complaint must disclose the acts and role attributed to each accused, *Geddam Jhansi v. State of Telangana, 2025 SCC OnLine SC 263* to caution against proceeding indiscriminately against



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relatives in the absence of specific allegations and *prima facie* material of their involvement and ***Digambar v. State of Maharashtra, 2024 SCC OnLine SC 3836*** for maintaining a distinction between a general allegation of cruelty and conduct satisfying the ingredients of Section 498-A IPC.

ANALYSIS & FINDINGS

28. This Court has heard the learned counsels for the respective parties and has also perused the material placed on record.

29. The challenge in the present case is to the order dated 11.01.2012 *vide* which the learned Revisional Court retained the prosecution of respondent No. 2 under Section 498-A IPC, while directing discharge of the other accused persons under this very provision and of all the accused persons including respondent No. 2 under Section 406 IPC.

30. Therefore, the questions that require consideration of this Court in this judgment are whether the determination arrived at by the learned Sessions judge in the impugned order, transgressed the permissible limits of scrutiny at the stage of charge and whether any error warranting the exercise of supervisory jurisdiction by this Court is disclosed.

Scope of jurisdiction under Article 227 of the Constitution of India

31. The jurisdiction invoked under Article 227 of the Constitution of India is supervisory and corrective in nature, and does not confer a further right of appeal on facts. In ***Garment Craft v. Prakash Chand Goel, (2022) 4 SCC 181***, the Hon'ble Supreme Court explained that the High Court in exercise of its supervisory jurisdiction does not reappreciate the material as a court of first appeal, or substitute its own factual conclusion merely because another view might be possible. The relevant portion of the aforesaid judgment reads as under:

“15. Having heard the counsel for the parties, we



are clearly of the view that the impugned order¹ is contrary to law and cannot be sustained for several reasons, but primarily for deviation from the limited jurisdiction exercised by the High Court under Article 227 of the Constitution of India. The High Court exercising supervisory jurisdiction does not act as a court of first appeal to reappreciate, reweigh the evidence or facts upon which the determination under challenge is based. Supervisory jurisdiction is not to correct every error of fact or even a legal flaw when the final finding is justified or can be supported. The High Court is not to substitute its own decision on facts and conclusion, for that of the inferior court or tribunal.³ The jurisdiction exercised is in the nature of correctional jurisdiction to set right grave dereliction of duty or flagrant abuse, violation of fundamental principles of law or justice. The power under Article 227 is exercised sparingly in appropriate cases, like when there is no evidence at all to justify, or the finding is so perverse that no reasonable person can possibly come to such a conclusion that the court or tribunal has come to. It is axiomatic that such discretionary relief must be exercised to ensure there is no miscarriage of justice.” [Emphasis Supplied]

32. It is needless to state, that the aforesaid restraint does not insulate an order which ignores material allegations or applies a legally impermissible standard. But what it requires the Court to do, is to identify an error, affecting the determination of the dispute, rather, than undertaking an unrestricted reconsideration of the dispute.

33. In the context of proceedings at the criminal side, **Amit Kapoor v. Ramesh Chander**, (2012) 9 SCC 460, emphasises the limited character of interference with orders concerning charge, the need to correct patent



illegality or perversity, and the prohibition against a meticulous assessment of whether the prosecution will ultimately secure a conviction or not. A relevant portion of the aforesaid, is extracted hereinunder:

“27.3. The High Court should not unduly interfere. No meticulous examination of the evidence is needed for considering whether the case would end in conviction or not at the stage of framing of charge or quashing of charge.” [Emphasis Supplied]

34. The controlling inquiry in cases of the present kind remains, whether the prosecution material supplies a sufficient foundation for presuming commission of the alleged offence or not. In ***Union of India v. Prafulla Kumar Samal, (1979) 3 SCC 4***, the Hon’ble Supreme Court recognised the power to sift the material for the limited purpose of determining whether a *prima facie* case exists, while expressly excluding a roving inquiry into the merits. Neither a mechanical acceptance of the accusation nor an evaluation of proof as at the conclusion of trial is permissible at this very stage.

35. Of particular relevance is ***Onkar Nath Mishra v. State (NCT of Delhi), (2008) 2 SCC 561***, which also concerned charges under Sections 498-A and 406 IPC arising out of a matrimonial complaint. The portion relevant for present purposes is as under:

“11. It is trite that at the stage of framing of charge the court is required to evaluate the material and documents on record with a view to finding out if the facts emerging therefrom, taken at their face value, disclosed the existence of all the ingredients constituting the alleged offence. At that stage, the court is not expected to go deep into the probative value of the material on record. What needs to be considered is whether there is a ground for presuming that the offence has



been committed and not a ground for convicting the accused has been made out. At that stage, 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 offence alleged would justify the framing of charge against the accused in respect of the commission of that offence.” [Emphasis Supplied]

36. These principles therefore, govern the scrutiny of the impugned order in the present case and as is clear from the aforesaid discussion, they do not authorise this Court to conduct the trial which neither of the courts below were required to conduct at that stage.

37. Having noticed the governing principles, the challenge to the impugned order must now be examined separately in relation to each of the offences alleged. The question is not whether upon an independent assessment of the material, this Court might have preferred the view taken by the learned Magistrate, but whether, the conclusion reached by the learned Revisional Court is so unsupported by the material, or so contrary to the governing legal principles, so as to warrant correction by this Court under Article 227 of the Constitution of India.

Section 498-A IPC

38. Section 498-A IPC, insofar as the present petition is concerned, contemplates two forms of cruelty. The first is wilful conduct of such a nature as is likely to drive the woman to commit suicide or cause grave injury or danger to her life, limb or health. The second is harassment directed towards coercing her, or a person related to her, to meet an unlawful demand for property or valuable security. The material on record must, therefore, disclose conduct attributable to the concerned accused person[s], which bears the



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character required by either clause of the Explanation to the concerned provision i.e. 498-A IPC.

39. Now where several relatives of the husband are sought to be prosecuted, the complaint must be examined to ascertain whether it discloses their respective participation in the alleged acts or not. The caution expressed in *Neelu Chopra v. Bharti*, (2009) 10 SCC 184, and *Kahkashan Kausar v. State of Bihar*, (2022) 6 SCC 599, does not permit the Court to disbelieve a matrimonial complaint merely because several members of the family have been named. It does, however, requires the Court to distinguish, a role-specific allegation from a collective attribution made indiscriminately against the entire family.

40. In the present case, the complaint alleges that respondent Nos. 2 to 6 collectively demanded ₹5,00,000/- and a Maruti Esteem car and that the petitioner was subjected to taunts, abuse and beatings. Similar collective expressions have been employed while alleging that the petitioner was compelled to resume employment, hand over her salary and withdraw money from her bank account. In contrast, the allegation concerning the payment of ₹55,000/- is specifically attributed to respondent No. 2, the husband, to whom the said amount is alleged to have been handed over. The incidents of physical assault dated 22.01.2004, 29.06.2004 and 03.09.2004 are also attributed principally to him. Thus, although certain dates have been mentioned, the allegations against the other relatives continue, in material part, to proceed upon a common attribution to all the accused persons without identifying their respective acts.

41. Insofar as respondent No. 4, the mother-in-law, is concerned, the separate allegation is that, a few days after the petitioner returned to the matrimonial home on 24.02.2004, she was required to perform household



work despite her physical condition. Now this allegation is not connected to any demand for dowry on that occasion. Even if taken at its face value, it does not, without further material, disclose wilful conduct of the nature and degree contemplated by clause (a) of the Explanation to Section 498-A IPC. Every insensitive or objectionable act occurring within a matrimonial household does not, by itself, assume the character of statutory cruelty.

42. The sisters-in-law are principally alleged to have taunted the petitioner regarding her appearance and the dowry brought by her. Those allegations remain part of the collective narrative against the family and do not identify any distinct act by either sister-in-law, that might be connected with a particular unlawful demand. A separate allegation is undoubtedly made against respondent No. 5 that she caused the petitioner to consume medicines during pregnancy by representing them to be nutritional supplements. The learned Revisional Court, however, also had before it the medical material collected during the investigation wherein the records described the miscarriage as “*spontaneous*” and did not contain any contemporaneous history of forcible administration of medicines

43. Moving forward, the recommendation made by the concerned ACP after the CAW Cell inquiry, to proceed against the husband alone was not binding upon the criminal court and could not substitute the Court’s independent assessment. It nevertheless formed part of the material collected during the investigation. The learned Revisional Court could take it into account as a corroborative circumstance, provided its ultimate conclusion rested upon its own scrutiny of the allegations and the accompanying material.

44. This Court must, at the same time, express its disapproval of certain observations contained in the impugned order. The improbability attributed to the demand merely because the LXI variant was not the highest model of the



vehicle was founded upon conjecture. Equally, the petitioner's attempt to return to the matrimonial home could not be treated as inherently inconsistent with her allegations. The generalised observations concerning women implicating the relatives of their husbands were also unnecessary and could not constitute a lawful basis for discharge. These reasons are accordingly eschewed from consideration.

45. The presence of such observations does not, however, require the impugned order to be set aside if its ultimate accused-wise conclusion is independently supportable on legally relevant material. The allegations against respondent No. 2 comprised particular acts of physical assault, withdrawal and receipt of money and refusal of medical assistance. The allegations against respondent Nos. 4 to 6 were either collective in character or, insofar as an individual act was stated, were not supported by material sufficient to generate grave suspicion of the statutory cruelty contemplated by Section 498-A IPC. The distinction drawn by the learned Revisional Court between the husband and the other relatives, therefore, represents a view which was reasonably open on the basis of the record.

46. Therefore, the conclusion directing discharge of respondent Nos. 4 to 6 under Section 498-A IPC cannot be termed perverse or patently illegal so as to justify supervisory interference. The proceedings against respondent No. 3 have already abated on account of his death and no further determination is required in relation to him.

Section 406 IPC

47. The offence of criminal breach of trust contains two distinct elements. There must first be entrustment of property, or dominion over it, creating an obligation concerning the manner in which the property is to be dealt with. There must thereafter be dishonest misappropriation, conversion, use,



disposal or retention of that property in breach of the obligation. Both elements must be disclosed against the accused sought to be prosecuted.

48. The complaint in the present case does use the expression that the *istridhan* articles were “*entrusted*” to the accused persons. It further states that the jewellery was with the mother-in-law, the FDs and cash were with the husband, the furniture, television and air conditioner were with the father-in-law, and the clothes and other personal articles were with the sisters-in-law. It also alleges demands for their return on 31.08.2004 and 03.09.2004. However, mere employment of the word “*entrusted*” is not conclusive. The supporting facts must indicate how the concerned accused acquired dominion over the specified property subject to an obligation to hold or return it. The reference to articles having been presented at the Lagan or marriage ceremony explains how the articles entered the matrimonial household, but does not identify which article was delivered to which particular relative or the circumstances in which such delivery created an individual obligation in respect of that property. The later assertion as to where different categories of articles were lying describes their alleged possession but does not, without more, establish criminal entrustment to each member of the household.

49. The alleged demands and refusal have also been attributed collectively to the accused persons. The complaint does not state which accused responded to the demand, what was stated by that accused, or how any particular accused dishonestly converted, used, disposed of or retained the article alleged to be in his or her possession. Continued presence of property in a shared matrimonial household, without material disclosing the individual entrustment and subsequent dishonest dealing, does not automatically constitute criminal breach of trust against every member of that household. Even Section 34 IPC cannot supply the foundational ingredients of



entrustment and dishonest misappropriation where those ingredients are not otherwise disclosed against the concerned accused at the very threshold. Even if at the stage of framing of charge, the mere assertion that the *istridhan* articles were entrusted to the accused persons does not constitute sufficient material to proceed against them under Section 406 IPC.

50. ***Onkar Nath Mishra v. State (NCT of Delhi) [Supra]***, is also relevant for the principle that creation of an obligation concerning the property and dishonest dealing contrary to that obligation are separate and indispensable ingredients. The learned Revisional Court's conclusion must, therefore, be tested against those ingredients and not upon a mechanical comparison of the two complaints. And when tested against those very ingredients, the conclusion arrived at, that the complaint did not sufficiently disclose individualised entrustment and dishonest misappropriation against the accused persons, cannot be said to be an impossible view.

51. The discharge of the accused under Section 406 IPC, therefore, does not disclose the degree of patent illegality or perversity necessary for the exercise of supervisory jurisdiction. The challenge to that part of the impugned order must also consequently, fail.

52. Taking into account the aforementioned authorities and precedents, the deficiencies in the foundational material against the discharged respondents cannot be supplied by restoring the charges in the expectation that a more particularised case may emerge during trial. The learned Revisional Court differentiated the allegations against the husband from those against the other respondents and reached a conclusion which, for the reasons recorded above, was reasonably open on the material before it. The existence of another possible view does not justify substitution of that view with the one already



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taken in the exercise of supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

CONCLUSION

53. In view of the foregoing, this Court finds no ground, patent illegality, perversity, material irregularity or jurisdictional error that would warrant an interference by this Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India, with the impugned order dated 11.01.2012 passed by the learned Additional Sessions Judge-03, South District, New Delhi in ***Criminal Revision No. 24/2010***.

54. Accordingly, the present petition is dismissed, and thereby, disposed of.

55. The pending application also stands disposed of.

56. *Interim* order[s], if any, stand[s] vacated.

57. A copy of this judgment be sent to the concerned learned Trial Court for necessary information, action and compliance.

58. This judgment be uploaded on the website *forthwith*.

MADHU JAIN
[JUDGE]

OCTOBER 1, 2026/PG