

Matters are being taken up through hybrid mode.
Regular stenographer of this court is on leave today.

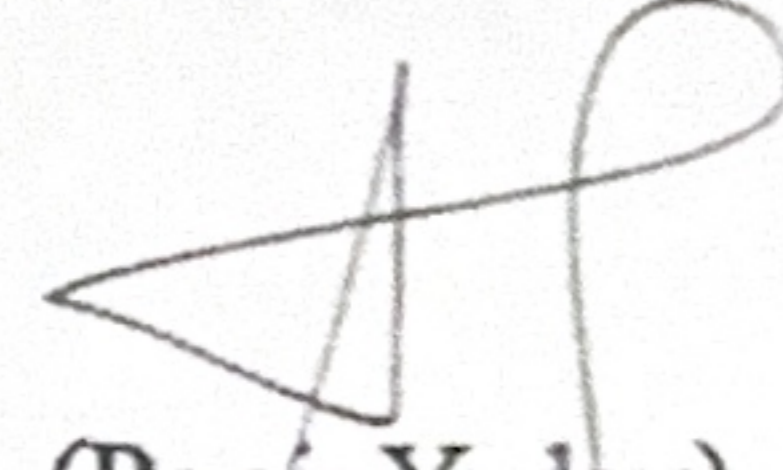
32 Cr. Case 4290/2025
STATE Vs. HIMANSHU CHHABRA
FIR No. 452/2024
(Burari)

08.05.2026

Present: Sh. Sharvan, Ld. APP for State.
Ms. Megha Malhotra, Ld. Counsel for accused alongwith
accused.
Sh. Rajesh Vashisth, Ld. Counsel for complainant through
VC.

Matter is listed today for order on an application on behalf
of the accused seeking discharge.

Put up for order during the course of the day.



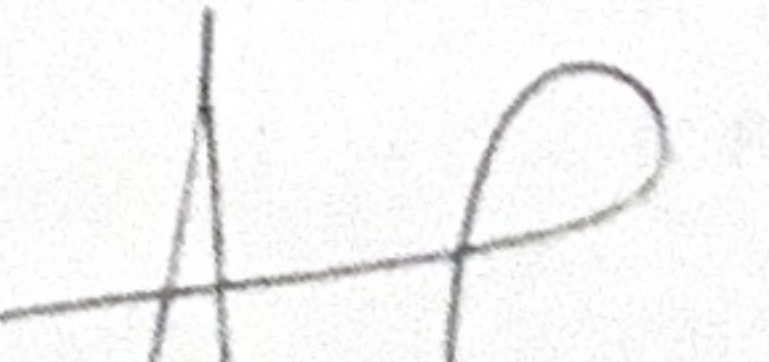
(Pooja Yadav)
JMFC, Mahila Court-03
Central District, Delhi.
08.05.2026

At 04:00 PM

Present: None.

Due to heavy cause list and since the regular stenographer is
on leave today and defence evidence was recorded in FIR No. 505/2020
almost till 04:00 PM, no time left to pass order in the present matter.

List for purpose fixed on 16.05.2026.



(Pooja Yadav)

JMFC, Mahila Court-03
Central District, Delhi.
08.05.2026

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D. 2..... Examiner

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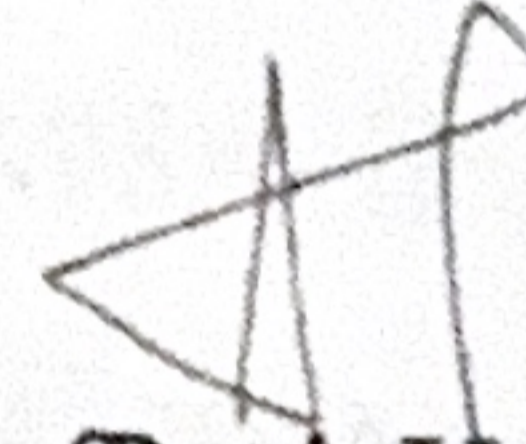
23 Cr. Case 4290/2025
STATE Vs. HIMANSHU CHHABRA
FIR NO. 452/2024
PS:Burari

16.05.2026

Present: Sh. Aman Gaurav, Ld. APP for the State.
(substitute)
Ms. Vibhuti, Ld. Counsel for accused through
VC.
Accused in person.

Matter is listed today for order on charge and on an application of
accused seeking discharge.

Put up for orders during course of the day.



(Pooja Yadav)

JMFC, Mahila Court-03

Central District, 16.05.2026

At 4.00 PM

Present : None.

1. The present chargesheet has been filed against accused-
Himanshu Chhabra/ husband (*hereinafter referred to as the
accused*) u/s- 498A/ 406 IPC. Summon was issued to him.
2. The complainant alleges that she got married to the accused
and she was harassed by him for want of dowry. He caused
cruelty upon her for want of dowry and misappropriated the
stridhan/ dowry articles of her which were entrusted upon
him. Hence, Ld. APP submitted that a *prima facie* case under
Sections 498A/406 IPC is made out against the accused.

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3. The defence, however, *inter alia* argued that the allegations in the FIR are vague, omnibus and general in nature as no specific incident, date, time or place has been mentioned by the complainant which can be attributed to the accused. The complainant earlier closed her complaint at CAW cell and later got it reopened, meaning thereby that she condoned the previous acts. There is no documentary evidence in support of the allegations. The MLCs do not support the version of physical assault. The complainant has deliberately filed this complaint to harass the accused to bring disrepute to his name in the society. The ingredients of Section 498A IPC and Section 406 IPC are not fulfilled from the allegations of the complainant. There is no allegation of entrustment of the *stridhan* and its dishonest misappropriation. Ld. counsel referred to the following judgments during arguments which are also mentioned in the application seeking discharge, in support of her submissions:

- a) *Durga Ram & ors. Vs. State & Anr. On 1 Feb 2011 of Hon'ble Supreme Court of India.*
- b) *Ajay Mitra Vs State of M.P. and others reported in 2003 (3) KCCR 2043 of Hon'ble Supreme Court of India.*
- c) *State of Karnataka Vs. L. Muniswamy of Hon'ble Supreme Court of India, decided on on 3 March, 1977.*
- d) *Imtiaz Ahmed Vs State of M.P., 1997 Cri LJ 1844 (MP) of Madhya Pradesh High Court.*
- e) *Girdhar Shankar Gawade Maharashtra, AIR 2002 SC 2078.*

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f) *Lawrence Vs State of Kerala, 2002 Cri LJ 3458 (Ker.)*.

g) *State of Assam Vs. Achit Ranjan Dey, 1989 Cri LJ 1117 at 1118 (Gau)*.

h) *Sessions Judge Vs. I R redid, 1972 Cri LJ 1485*.

i) *Abdul Aziz Vs. State of Mysore, 1975 Cri LJ 335*.

4. Entire record perused.

5. At the stage of charge, the court is not required to meticulously evaluate evidence or test the truth of the allegations. It is sufficient to see whether a *prima facie* case is made out, as held by the Hon'ble Supreme Court in **Onkar Nath Mishra v. State (NCT of Delhi) [(2008) 2 SCC 561]**. Strong suspicion founded on material may justify framing of charge.

6. After having noted the broad guidelines which are to be kept in mind while deciding whether or not a charge against the accused is to be framed, I may now advert to the facts of the present case to decide whether on the basis of the material placed before this court, there exists a *prima facie* case for framing charges against the accused under sections-498A/406 IPC.

7. In the present case, as far as the offence u/s-498A IPC is concerned, the complaint, statements u/s-161 Cr.P.C of the complainant and the witnesses contain no specific allegations against the accused of causing cruelty upon the complainant. The complainant initially filed one complaint before CAW cell, dt. 31.10.2023, wherein she has made quite vague and general allegations. Even if the allegations are taken at face

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value, they do not disclose any specific incident of cruelty within the meaning of Section 498A IPC. The complaint does not specify when any particular dowry demand was made, what exactly was demanded, in what manner the complainant was harassed for such demand, or how the accused subjected her to cruelty on that account. The allegations also do not disclose any specific willful conduct of such nature as was likely to cause grave injury or danger to the life, limb or health of the complainant. The earlier complaint was closed and later sought to be reopened, but even in the later request, no fresh specific incident of cruelty or dowry linked harassment has been stated.

8. It is observed by the Hon'ble Higher courts in catena of judgments that there is tendency of the parties embroiled in matrimonial disputes to make such allegations on account of day-to-day conflict.
9. Apart from vague references, no specific role or act is attributed to the accused qua offense u/s- 498 A IPC. In these circumstances, no prima facie offence under Section 498A IPC is made out.
10. Further, as far as offence u/s- 406 IPC is concerned, the two essentials are pre-requisite for framing a charge u/s-406 IPC, i.e., creation of an obligation- entrustment, in relation to the property over which dominion or control is acquired by the accused and misappropriation or dealing with the property dishonestly and contrary to the terms of the obligation created.

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11. As far as Section 406 IPC is concerned, the material does not disclose the essential ingredients of entrustment, dominion, dishonest misappropriation or refusal to return on demand. The only allegation noticed is that the accused snatched the complainant's gold jewellery. The said allegation is also vague, as it does not specify which jewellery was allegedly taken, when it was taken, in what circumstances it came into the possession of the accused, or whether the complainant demanded return of the same and the accused refused. Such an allegation, in the absence of foundational particulars of entrustment and dishonest retention, does not *prima facie* attract Section 406 IPC.

12. *Accordingly, no prima facie offence under Section 498A/ 406 IPC is made out against the accused and thus, he stands discharged for the offences under Section 498A/ 406 IPC.*

13. **Application of the accused seeking discharge stands disposed of accordingly.**

14. *Bail bonds of the accused, if any, stands cancelled. His surety stands discharged. Original document of surety, if any, be returned against due acknowledgment. Endorsement on document of surety, if any, be cancelled.*

15. *File be consigned to record room as per rules.*

(Pooja Yadav)

JMEC, Mahila Court-03
Central District, 16.05.2026.



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Examiner