SUPREME COURT OF INDIA

Smt. Rashmi Kumar

Vs.

Mahesh Kumar Bhada

(K. Ramaswamy, S.B. Majumudar and G.T. Nanavati JJ.)

18.12.1996

JUDGMENT

K. RAMASWAMY, J.

This appeal has been placed before this Bench pursuant to an order date 19.4.1995 passed by a two Judge Bench in the following terms:

"A decade has gone by since Pratibha Rai vs. Suraj Kumar & Anr, [(1985) 2 SCC 370] - a decision by a majority of 2:1 has governed the scene. Having regard to its wider ramifications and its actual working in the last decade, we are of the view that a fresh look to the ratio in that case is necessary. We, therefore, order that this case be placed before a three-judge Bench."

This appeal by special leave arises from the Judgment of the Allahabad High Court dated June 19, 1992 in Criminal Miscl. Case No.44 of 1992. The admitted facts are that the appellant was married to the respondent on July 7, 1973 at Lucknow according to the Hindu rites and rituals. The parties have three children from the wedlock. It is not in dispute that there was estrangement in the marital relationship between the husband and the wife. It is the case of the appellant that she was treated with cruelty and was driven out of the marital home along with the three children. She was constrained to lay proceedings under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. The appellant was given jewellery, i.e., gold and silver ornaments and other household goods enumerated in Annexures I and II and also cash by her parents, brothers and other relatives at different ceremonies prior to her marriage and after the marriage at the time of bidai (farewell). She claims that all these articles constituted her stridhana properties and were kept in the custody of the respondent-husband. The respondent has asked the appellant to entrust for safe custody all the jewellery and cash mentioned in Annexure I, to his father with the promise that on her demand whenever made, they would be returned. Accordingly, she had entrusted them to the appellant at Lucknow in the presence of three named witnesses. Similarly, the household goods mentioned in Annexure-II were entrusted by the parents of the appellant to the respondent at the time of farewell in the presence of three named witnesses. They lived together in Delhi in her in-laws house. The appellant alleged in the complaint that she was treated with cruelty in the matrimonial home and ultimately on July 24/25, 1978 she and the children were thrown out from the matrimonial home at duress and at the peril of their lives. Accordingly, she was driven out from the matrimonial home without getting an opportunity to take with her Stridhana properties enumerated in Annexures I and II.

She filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. Even thereafter she went to Cochin where at the respondent- husband was working, on October 9, 1986 and requested him to restitute her into the conjugal society along with the children. he promised that he would do it provided she withdrew her application for restitution of conjugal rights. He also promised to return the jewellery and other valuables mentioned in Annexures I and II entrusted to him. Even after her withdrawing the application, on October 21, 1986, he did not take her into the conjugal society. Therefore, she was again constrained to file second application on November 18, 1986 for restitution of conjugal rights. She also filed application under Section 125 of the Code of Criminal Procedure, 1973 (for short, the "Code") for maintenance. Since these attempts proved unsuccessful, she made a demand on December 5, 1987 to return the jewellery as detailed in Annexure I and household goods mentioned in Annexure II but the respondent flatly refused to return her stridhana properties. Consequently, she filed a private complaint on September 10, 1990.

After recording her statement under Section 200 of the Code, the learned Magistrate took cognizance of the offence and issued process to the respondent. While the respondent appeared in the Court, he filed an application under Section 482 of the Code in the High Court to quash the proceedings. As stated earlier, the High Court in the impugned Order has quashed the proceedings on two grounds, viz., (i) the appellant did not make out any case in the complaint and (ii) it is barred by limitation. On the ground of limitation, the learned Judge came to the conclusion that in October 1986 the appellant had made a demand for return of the jewellery and gold but the respondent did not return the same. Therefore, it furnished a cause of action. Since complaint was laid in September 1990, it was clearly barred by limitation the period prescribed being three years. Smt. Indira Jaising, Learned senior counsel for the appellant, contended that the ratio in Pratibha Rani V/s. Suraj Kumar & Anr. [(1985) 2 SCC 370] has stood the test of time for more than a decade though therein there was difference of opinion between the majority and the minority on certain aspects of the matter. The decision has never been doubted by any other Bench. The said ration is based on the personal law as elaborately discussed in the judgment. Therefore, it requires reiteration. Shri Rajinder Singh, learned senior counsel for the respondent, on the other hand, sought to support the present reference to the three Judge Bench on the basis of the conduct of the appellant. He also contends that a clear demand for return of the stridhana properties was made in October 1986 when the respondent had refused to return the same. Since the complaint came to be filed only in September 1990, i.e., after a delay of 11 months from the expiry of prescribed limitation, it is time barred. Since no application for condonation of delay was filed, the High Court was enjoined to dismiss the complaint as being barred by limitation. Smt. Indira Jaisingh contended that the offence punishable under Section 406, Indian Penal Code [for short, the "IPC"] is a continuing offence and hence cause of action arose every day subsequent to the refusal and, therefore, the complaint was not barred by limitation. Shri Rajinder Singh further contended that the respondent has always been willing to transfer his flat in Bombay in the name of his daughters. He also states that he has been paying every month maintenance allowance in respect of the children. Even if the articles which the appellant is claiming is mentioned, the respondent is prepared to deposit the same in a fixed account in the name of his daughters. This conduct on the part of the respondent would militate against the conduct of the appellant who intends to harass the respondent by filing endless complaints. These circumstances would go to indicate that there are no justifiable reasons for interference with the order of the High Court. At this juncture, it is relevant to not that several attempts made by this Court to have the dispute settled amicably between the parties, could not bear any fruit of success. Therefore, we are not inclined to undertake the exercise once over.

The question that has arisen for consideration is: whether the ratio in Pratibha Rani's case does not hold good any more? That case also related to a complaint filed under Section 406, IPC for breach of trust by the respondent- husband on his refusing to return stridhana property, viz., jewellery, wearing apparels etc. The question that had arisen for consideration was whether the stridhana property was exclusive property of the appellant-wife or was a joint property owned and held by both the spouses? Though all the three learned Judges concurred on the point of entrustment of the jewellery and wearing apparels to be stridhana, the majority view was that the stridhana property was the exclusive property of the appellant-wife and that, therefore, the failure to return the property in the custody of the husband to the wife constitutes breach of trust defined under Section 405, IPC. Therefore, the offence of breach of trust punishable under Section 406 was made out, as per the averments contained in the complaint. The minority view was that the property entrusted to the husband after the marriage is joining property of the wife and the husband. The essential requirement for constituting an offence defined under Section 405, IPC in relation to stridhana property, is that there should be a specific separate agreement between the parties, whereby the property of the wife or the husband, as the case may be, is entrusted. In the absence of such a separate agreement for specific entrustment, it would not be possible to draw an inference of entrustment of custody or dominion over the property of one spouse to the other and/or his or her close relations so as to attract the stringent provisions of Section 406, IPC; otherwise there would be disastrous effects and consequences on the peace and harmony which ought to prevail in matrimonial homes. The appropriate remedy would appear to be by way of a civil suit for recovery of the stridhana property.

Fazal Ali, J., speaking for himself and Sabyasachi Mukherjee, J., as he then was, held that the possession of Saudayika or stridhana of a Hindu married female during coverture is absolutely clear and unambiguous. She is the absolute owner of her stridhana property and can deal with it in any manner she likes. She may spend the whole of it or give it away at her own pleasure by gift or will without any reference to her husband. Ordinarily, the husband has no right or interest in it with the sole exception that in times of extreme distress, as in famine, illness or the like, the husband can utilise it but he is morally bound to restore it or its value when he is able to do so. This right is purely personal to the husband and the property so received by him in marriage cannot be proceeded against even in execution of a decree for debt passed against the husband. If in spite of demands for return of the articles, the husband refuses to return them to the wife, it amounts to an offence of criminal breach of trust. The stridhana property is not a joint property of the wife and the husband. Section 27 of the Hindu Marriage Act merely provides another remedy of suit to recover from the husband or the persons to whom the stridhana property was entrusted. The mere factum of the husband and the wife living together does not entitle either of them to commit a breach of criminal law and if one does, then he or she will be liable for all the consequences of such breach. By mere living in matrimonial home the stridhana does not become joint property of the spouses. It is also not a partnership property between the wife and the husband. The concept of partnership is alien to the stridhana property under the personal law. Therefore, entrustment of stridhana, without creating any right in the husband except, putting the articles in the possession, does not entitle him to use the same to the detriment of his wife without her consent. The husband has no justification for not returning the said articles as and when demanded by the wife; nor can he burden her with loss of business by using the said properties which were never intended by her while entrusting possession of the stridhana. The husband being only a custodian of the stridhana of his wife, cannot be said to be in joint possession thereof and does not acquire a joint interest in the property. It was, therefore, concluded that the custody or entrustment of the stridhana with the husband does not amount to

partnership in any sense of the term nor does the stridhana becomes a joint property. It was held in para 60 of the judgment that taking all the allegations made in the complaint, by no stretch of imagination it could be said that they do not prima facie amount to an offence of criminal breach of trust against the respondent. Thus there could be no room for doubt that all the facts stated in the complaint constitute an offence under Section 406, IPC and the appellant could not be denied the right to prove her case at the trial by pre-empting it at the very inception by the order passed by the High Court. Accordingly, it was quashed. Direction was given to proceed with the trial from the stage at which stay was granted by this Court. The only difference of point was whether there should be special agreement of entrustment. Varadarajan, J. elaborately dealt with the special agreement and had held that in view of the fact that wife and husband have dominion over the wife's property jointly, proof of special agreement of entrustment is an essential ingredient.

In Mayne's Hindu Law & Usage [13th Edn.] edited by Justice Alladi Kuppuswami, former Chief Justice of Andhra Pradesh High Court, in paragraph 644 at page 877 it is stated that "Katyayana indicates a cross-classification of stridhana [Vivadachintamani vide p.259; Jha HLS II, 529-31; Apararka, 21 MLJ (Jour.) 428. He further states: "that which is obtained by a married woman or by a maiden, in the house of her husband or of her father, from her brother (from her husband) or from her parents, is stridhana [Vide: Katyayna cited in Mit., II, xi, 5; Smritichandrika, IX, ii,4-5; V. May., IV, x, 8 etc.]. Under the caption "Yautaka and ayautake", it is stated that "Yautaka is that which is given at the nuptial fire... It includes all gifts made during the marriage ceremonies. Ayautaka is gift made before or after marriage. Saudayika includes both Yautaka and Ayautaka and received from strangers. It is defined to be gifts from affectionate kindered". In support thereof, he relied on Venkatareddy v. Hanumant [(1993) 57 Bom 85] and Muthukaruppa v. Sellathammal [(1916) 39 Mad. 298 at 300 and see para No.10] At page 881, in paragraph 650, sub-para (4), it is stated that "So also gifts or grants to her by strangers, whether made during coverture or when she is a widow, will be her stridhana" [Vide Salemma v. Lutchmana [(1998) 21 Mad 100]. In paragraph 652 on page 882, it is stated that "the absolute dominion of a woman over her saudayika property was admitted from the earliest times". Katyayana declares: "The independence of women who have received the saudayika wealth is desirable (in regard to it), for it was given (by their kindered) for their maintenance out of affection. The power of women over saudayika at all times is absolute both in respect of gift and sale, according to their pleasure, even in (the case of) immovables". The Smiritichandrika would confine saudayika to yautaka or the like, received by a woman from her own parents or persons connected with them, in the house of either her father or her husband, from the time of her betrothment to the completion of the ceremony to be performed on the occasion of her entering her lord's house. But his view has not been followed. The texts of Katyayana and Vyasa have been explained by other commentators as including gifts received by her from her husband, and from others after her marriage. The decisions of the courts have taken the same view. Provided the gift is made by her husband or her parents or by relatives either of her husband or of parents, it is immaterial whether it is made before marriage, at marriage or after marriage. It is equally her saudayika. In other words, saudayika means all gifts and bequests from relations but not gifts and bequests from strangers. Saudayika of all sorts are absolutely at a woman's own disposal. She may spend, sell, devise or give it away at her own pleasure. In support of that conclusion, footnote No.6 cites several decisions including Venkata Rama v. Venkata Suriya [(1880) 2 Mad 333] and Muthukaruppa v. Sellathammal [(1916) 39 Mad 298] etc. It is stated thereafter that her husband can neither control her in her dealings with it, nor use it himself. But he may take it in case of extreme distress, as in a famine, or for some indispensable duty, or during illness, or while a creditor keeps him in prison. Even then he would appear to be under at least a moral obligation to restore the value of the property when able to do so. What he has taken without necessity, he is bound to repay with

interest. This right to take the wife's property is purely a personal one in the husband. If he does not choose to avail himself of it, his creditors cannot proceed against her properties. The word `take' in the text of Yajanavalkya means `taking' and `using'. Hence if the husband taking his wife's property in the exceptional circumstances mentioned in the text does not actually use it, the wife still remains its owner and the husband's creditors have no claim against the property. A woman's power of disposal, independent of her husband's control, is not confined to saudavika but extends to other properties as well. Devala says: "A women's maintenance (vritti), ornaments, perquisites (sulka), gains (labha), are her stridhana. She herself has the exclusive right to enjoy it. Her husband has no right to use it except in distress...". In "N.R. Raghavachariar's "Hindu law - Principles and Precedents" [8th Edn.] edited by Prof. S. Venkataraman, one of the renowned Professors of Hindu law para 468 deals with "Definition of Stridhana". In para 469 dealing with "Sources of acquisition" it is stated that the sources of acquisition of property in a women's possession are: gifts before marriage, wedding gifts, gifts subsequent to marriage etc. Para 470 deals with "Gifts to a maiden". Para 471 deals with "Wedding gifts" and it is stated therein that properties gifted at the time of marriage to the bride, whether by relations or strangers, either Adhiyagni or Adhyavahanika, are the bride's stridhana. In para 481 at page 426, it is stated that ornaments presented to the bride by her husband or father constitute her Stridhana property. In para 487 dealing with "powers during coverture" it is stated that saudayika meaning the gift of affectionate kindered, includes both Yautaka or gifts received at the time of marriage as well as its negative Ayautaka. In respect of such property, whether given by gift or will she is the absolute owner and can deal with it in any way she likes. She may spend, sell or give it away at her own pleasure.

It is thus clear that the properties gifted to her before the marriage, at the time of marriage or at the time of giving farewell or thereafter are her stridhana properties. It is her absolute property with all rights to dispose at her own pleasure. He has no control over her stridhana property. Husband may use it during the time of his distress but nonetheless he has a moral obligation to restore the same or its value to his wife. Therefore, stridhana property does not become a joint property of the wife and the husband and the husband has no title or independent dominion over the property as owner thereof. In this backdrop, the question that arises for consideration is: whether the fact of a wife's having been driven out from the matrimonial home without taking along with her stridhana properties, amount to entrustment with the husband within the meaning of Section 405, IPC? Section 405 defines "Criminal breach of trust thus:

"405. Criminal breach of trust.-

Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharge, or of any legal contract, express or implied, which he has made touching the of such trust, or wilfully suffers any other person so to do, commits "criminal breach of trust".

It is not necessary to refer to the Explanations to the said section for the purpose of this case. Hence they are omitted.

Thus when the wife entrusts her stridhana property with the dominion over that property to her husband or any other member of the family and the husband or such other member of the family dishonestly misappropriates or converts to his own use that property or wilfully suffers any other person to do so, he commits criminal breach of trust. The essential ingredients for establishing an

offence of criminal breach of trust as defined in Section 405 and punishable under Section 406, IPC with sentence for a period upto three years or with fine or with both, are: [i] entrusting any person with property or with any dominion over property; [ii] the person entrusted dishonestly misappropriating or converting to his own use that property; or dishonestly using or disposing of that property or wilfully suffering any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract made touching the discharge of such trust. The expression "entrustment" carries with it the implication that the person handing over any property or on whose behalf that property is handed over to another, continues to be its owner. Entrustment is not necessarily a term of law. It may have different implications in different contexts. In its most general significance, all its imports is handing over the possession for some purpose which may not imply the conferment of any proprietary right therein. The ownership or beneficial interest in the property in respect of which criminal breach of trust is alleged to have been committed, must be in some person other than the accused and the latter must hold it on account of some person or in some way for his benefit. In Pratibha Rani's case, the majority has extensively considered the words "entrustment" of and "dominion" over the property. All the case law in that behalf was exhaustively considered obviating the necessity to tread once over the same. In order to establish entrustment of dominion over the property, both the majority and minority relied on in particular the judgment of this Court in Velji Raghavji Patel v. State of Maharashtra [(1965) 2 SCR 492] wherein it was held that in order to establish entrustment of dominion over the property to an accused person, mere existence of that person's dominion over the property is not enough. It must be further shown that his dominion was the result of entrustment. The question therein pertained to the entrustment with the dominion over the partnership property by one partner to the other. It was held that the prosecution must establish that the dominion over the assets or particular assets of the partnership was by a special agreement between the parties. The property of the partnership being a partnership asset, every partner has a right o or a dominion over it. It was held that special agreement was necessary to constitute an offence of criminal breach of trust defined under Section 405, IPS. In view of the finding that stridhana property is the exclusive property of the wife on proof that she entrusted the property or dominion over the stridhana property to her husband or any other member of the family, there is no need to establish any further special agreement to establish that the property was given to the husband or other member of the family. It is always a question of fact in each case as to how property came to be entrusted to the husband or any other member of the family by the wife when she left the matrimonial home or was driven out therefrom. No absolute or fixed rule of universal application can be laid down in that behalf. It requires to be established by the complainant or the prosecution, depending upon the facts and circumstances of the case, as to how and in what manner the entrustment of the stridhana property or dominion over her stridhana came to be made to the husband or any other member of the family or the accused person, as the case may be. We are in respectful agreement with the majority view in Pratibha Rani's case and consequently requires no reconsideration. The next question is; whether the appellant has made out any prima facie case of entrustment in that behalf? A reading of the complaint clearly indicates that her parents entrusted the property to the respondent at the time of her farewell from her parents house in Lucknow. They lived together in matrimonial home in Deli. Three children were born from the wedlock and during that period she had retained the custody of the property. When she left the matrimonial home she had not taken the property with her. She has specifically averred that when she went in October 1978 to Cochin requesting the respondent-husband to take her into matrimonial home along with the children, he promised to take her in the conjugal society and also that he would return the jewellery to her subject to the condition that she should withdraw her application filed under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and accordingly she had withdrawn the application. The learned Single Judge failed to correctly appreciate her evidence

recorded under Section 200 of the Code that she made a demand for return of the jewellery and household goods. On the other hand, a fair reading of it would indicate that when she met the respondent in Cochin and requested to take her and children to home he promised to do so on her withdrawing the case for restitution of conjugal rights. Threat the husband promised to return them but he did not keep up his promise. The sequences that followed were that she filed another case for restitution of conjugal rights and an application for maintenance and thereafter she filed the complaint under Section 406, IPC. A fair reading of the averments would clearly indicate that a prima facie case of entrustment of the jewellery and the household goods had been made out. The learned Judge was not right in jumping to the conclusion that the averments made by the respondent in the counter-affidavit disclosed that no entrustment was made of the jewellery, cash and household goods and other movables enumerated in Annexures I and II details of which are not material for our purpose. In the light of the above, we are of the view that a prima facie case of entrustment had been made out by the appellant as the stridhana properties were not returned to her by the husband. Obviously, therefore, the learned Magistrate, having taken cognizance of the offence, had issued process for appearance of the respondent. It is fairly settled legal position that at the time of taking cognisance of the offence, the Court has to consider only the averments made in the complaint or in the charge-sheet filed under Section 173, as the case may be. It was held in State of Bihar v. Rajendra Agrawalla [(1996) 8 SCC 164] that it is not open for the Court to sift or appreciate the evidence at that stage with reference to the material and come to the conclusion that no prima facie case is made out for proceeding further in the matter. It is equally settled law that it is open to the Court, before issuing the process, to record the evidence and on consideration of the averments made in the complaint and the evidence thus adduced, it is required to find out whether an offence has been made out. On finding that such an offence has been made out and after taking cognizance thereof, process would be issued to the respondent to take further steps in the matters. If it is a charge-sheet filed under Section 173 of the Code, the facts stated by the prosecution in the charge-sheet, on the basis of the evidence collected during investigation, would disclose the offence for which cognisance would be taken by the court to proceed further in the matter. Thus it is not the province of the court at that stage to embark upon and sift the evidence to come to the conclusion whether offence has been made out or not. The learned Judge, therefore, was clearly in error in attempting to sift the evidence with reference to the averments made by the respondent in the counter-affidavit to find out whether or not offence punishable under Section 406, IPC had been made out. The next question that needs to be answered is: whether the complaint filed by the appellant in September 1990 is time barred? Section 468 of the Code prescribes period of limitation. Under sub-section (3) thereof, the period of limitation shall be three years if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years, Since the offence alleged to have been committed by the respondent is punishable under Section 406, viz., criminal breach of trust, and the punishment of imprisonment which may extend to three years or with fine or with both, the complaint is required to be filed within three years from date of the commission of the offence. It is seen that the appellant has averred in paragraphs 21 and 22 of the complaint that she demanded from the respondent return of jewellery detailed in Annexure I and household goods mentioned in Annexure II on December 5, 1987 and the respondent flatly refused to return the stridhana of the complainant-wife. In paragraph 22 of the complaint, it is stated that the complainant was forced to leave the matrimonial home in the manner described and the stridhana mentioned in Annexures I and II belonging to the complainant was entrusted to the respondent-accused which he refused to return to the complainant. Thus she has averred that the respondent "has illegally, dishonestly and mala fidely retained and converted it to his own use which is clearly a criminal breach of trust in respect of the aforesaid property". The complaint was admittedly filed on September 10, 1990 meaning within three years from the date of the demand and refusal by the

respondent. The learned Judge relied upon her evidence recorded under Section 200 of the Code. The learned counsel for the respondent read out the text of the evidence to establish that the appellant had demanded in October 1986 for return of the jewellery and that the respondent refused to do the same. Thus it constitutes refusal from which date the limitation period began to run and the complaint have been filed in September 1990, is time barred, i.e., beyond three years. That view of the learned Judge is clearly based on the evidence torn of the context without reference to the specific averments made in the complaint and the evidence recorded under section 200 of the Code. As stated earlier, the sequence in which the averments came to be made was the voluntary promise of the respondent and his failure to abide by the promise. It is incongruous to comprehend the demand for return of jewellery etc, at the stage when she was persuading him to take her into matrimonial home. Accordingly, we hold that the complaint was filed within the limitation.

The question, therefore, whether it is a continuing offence and limitation began to run everyday loses its relevance, in view of the above finding. The decisions cited in support thereof, viz., Vanka Radhamanohari (Smt.) v. Vanka Venkata Reddy & Ors. [(1993) 3 SCC 4] and Balram Singh vs. Sukhwant Kaur [(1992) Crl. L.J. 792 F.B. (P&H)] hence need not be considered. It is well settled legal position that the High Court should sparingly and cautiously exercise the power under Section 482 of the Code to prevent miscarriage of justice. In State of Himachal Pradesh v. Shri Pirthi Chand & Anr. [JT 1995 (9) 411] two of us [K. Ramaswamy and S.B. Majmudar, JJ.] composing the Bench and in State of U.P. Vs. O.P. Sharma [(1996) 7 SCC 70], a three- Judge Bench of this Court, reviewed the entire care law on the exercise of power by the High Court under Section 482 of the Code to quash the complaint or the charge-sheet or the First Information Report and held that the High Court would be loath and circumspect to exercise its extraordinary power under Section 482 of the Code or under Article 226 of the Constitution. The Court would consider whether the exercise of the power would advance the cause of justice or it would tantamount to abuse of the process of the Court. Social stability and order require to be regulated by proceeding against the offender as it is an offence against the society as a whole. This cardinal principle should always be kept in mind before embarking upon the exercise of the inherent power vested in the Court. Same view was taken in State of Haryana & Ors. v. Bhajan lal & Ors. [(1992) Supp. 1 SCC 355] and G.L. Didwania & Anr. v. Income Tax Officer & Anr. [(1995) Supp. SCC 25] etc.

Considered from this perspective, we hold that the High Court was wholly wrong in quashing the complaint/proceedings, under Section 432 of the Code. The appeal is accordingly allowed. The judgment of the High Court is set aside. We make it clear that all the observations in the judgment on merits are only to find out prima facie case whether the High Court would be justified in the exercise of its power under Section 482. The trial Court will have to decide the case on its own merits in the light of the evidence that may be led at the trial without being influenced in any manner by our observations made hereinabove. The trial Court is directed to proceed from the stage the complaint was pending at the time of quashing, to take further steps in accordance with law.