

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M No.28698 of 2016**

Date of decision: 22<sup>nd</sup> August, 2016

Vishu Vivan Munjal

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Vikas Sharma, Advocate for the petitioner.

**FATEH DEEP SINGH, J.**

Through this petition under Section 482 Cr.P.C. trying to invoke inherent jurisdiction of this Court petitioner/accused Vishu Vivan Munjal has sought quashment of an FIR bearing No.347 dated 06.07.2015 under Sections 354D, 506 IPC read with Section 12 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Civil Lines Rohtak.

The precise allegations against the petitioner in the FIR (Annexure P2) lodged by Rajinder Dureja respondent No.4 father of the minor girl who happens to be respondent No.3, are that out of his three children the girl in question is a student of 12<sup>th</sup> Class of Bharti School and during the course of her going to school the petitioner used to make lewd remarks and tried to entrap her in his nefarious web and which

matter was taken up before the respectables but in spite of the same petitioner used to make contact with the girl and tried to blackmail her by taking her snaps and threatened to upload the same on the internet and even threatened her with dire consequences leading to registration of the case.

The petitioner has come up before this Court on the grounds that he and the girl were in a relationship which was out of her voluntariness, free will and accord, and that the lodging of the criminal case is out of mere grudge and vengeance containing the element of vendetta by the complainant with an ulterior motive for a collateral purpose, and has sought to advert on to the material available with him by way of recordings and photographs.

After hearing at length contentions of learned counsel for the petitioner Mr. Vikas Sharma, Advocate. Admittedly, the girl is a minor and there are prima facie allegations of use of force, criminal intimidation as well as the petitioner having taken objectionable pictures and recorded conversation which are indecent and immoral and which he has threatened to upload on the internet, are matters which are not only highly disparaging but also the fact that the girl being a minor and there are serious allegations. Since investigations are underway and are at crucial stage in the light of the contentions that the provisions of Section 482 Cr.P.C. are to be sparingly used for which reliance is placed on the ratio laid down in the case of '**State of Haryana and others v.**

**Ch.Bhajan Lal and others’ 1992 AIR SC 604**, wherein following eventualities have been provided for:

- (1) Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;
- (2) Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;
- (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;
- (4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;
- (5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no

prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

- (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;
- (7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

None of these eventualities comes to the aid of the petitioner and rather the petition is moved with an ulterior motive to unduly delay and scuttle the proceedings. Thus, finding no merit in the present petition, the same stands dismissed in limine.

**(FATEH DEEP SINGH)**  
**JUDGE**

**August 22, 2016**  
*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |