

CRM-M-58272-2022

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

323

CRM-M-58272-2022

Date of decision : 29.05.2023

Rahul Munjal and Ors.

..... Petitioners

Versus

State of Punjab and Others

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Prateek Pandit, Advocate for the petitioners.

Mr. Vinay Kumar Gupta, AAG Punjab.

Mr. Vaibhav Narang, Advocate for respondents No. 2 and 3.

AMARJOT BHATTI J. (ORAL)

The petitioners – Rahul Munjal, Rajpal Munjal, Kamlesh Munjal and Reetima Markan have filed the instant petition under Section 482 of Cr.P.C. for quashing of FIR No. 287 dated 08.10.2015 (Annexure P-1) under Section 406, 498-A of I.P.C. registered at Police Station City-1 Abohar, District Fazilka and all consequential proceedings emanating therefrom on the basis of compromise dated 27.10.2022 (Annexure P-2).

The facts of the case are that the complainant – Ramesh Chander Kukkar filed written complaint against Rahul Munjal and others alleging that marriage of his daughter Ragini was solemnized with Rahul Munjal on 18.08.2002. He had given dowry as per his capacity and as per the wishes and demand of the accused persons. The marriage was performed through the intervention of relative. Soon after marriage, his daughter came to know that Rahul Munjal was not C.A. After marriage, huge amount was demanded by

Kamlesh Munjal. Ritima, sister-in-law of his daughter also misbehaved with his daughter. After marriage, he was involved in a false criminal case and his health also deteriorated. His daughter Ragini gave birth to a son and all the expenditure was borne by him. There was interference of Ritima in the matrimonial home of his daughter. His daughter was sent in a flat which was not in a liveable condition. She was continuously harassed in the matrimonial home. He tried to rehabilitate his daughter and requested the accused persons to keep her properly. A Panchayat was also convened but they did not pay any heed to the Panchayat. Most of the time Ritima was living in her parental house and she created trouble in the rehabilitation of his daughter. Ultimately, the complaint was filed, on the basis of which present FIR has been registered. Initially, the challan in the present case was presented only against petitioner No. 1 Rahul Munjal and petitioners No. 2 to 4 were kept in column No. 2. However, the petitioners No. 2 to 4 were subsequently summoned under Section 319 Cr.P.C. as additional accused to face trial alongwith petitioner No. 1.

The petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise dated 27.10.2022 Annexure P-2. The petitioners and respondents No. 2 and 3 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. The detailed report regarding compromise has been received from the Court of Sub Divisional Judicial Magistrate, Abohar dated 23.02.2023. The separate statements of respondents No. 2 and 3 have been recorded, where they confirmed the compromise with the petitioners. They confirmed that this compromise has been effected with accused persons with their free consent and without any pressure and they have no objection regarding quashing of FIR.

The petitioners – Rahul Munjal, Rajpal Munjal, Kamlesh Munjal and Ritima Markan have also confirmed this fact in their joint statement. The statement of SI Hansraj, No. 460/FZK, PS City-I Abohar is also recorded who further confirmed that the accused persons are neither involved in any other criminal case nor have been declared as proclaimed offender(s).

Therefore, from the report of Sub Divisional Judicial Magistrate, Abohar, it is clear that the compromise has been effected between the parties without any pressure, coercion or undue influence, which is acceptable to both the parties. They have mutually settled all their matrimonial disputes. The petitioner No. 1 Rahul Munjal and respondent No. 3 Ragini have also filed joint petition under Section 13-B of the Hindu Marriage Act in which decree of divorce on the ground of mutual consent has been granted on 12.05.2023 by learned Principal Judge, Family Court, Camp Court, Abohar. Now they will be able to live independently in peace. No purpose would be served with the continuation of criminal proceedings.

Therefore, considering these facts, the petition filed by the petitioners – Rahul Munjal, Rajpal Munjal, Kamlesh Munjal and Reetima Markan is accepted and FIR No. 287 dated 08.10.2015 under Section 406, 498-A of I.P.C. registered at Police Station City-1 Abohar, District Fazilka and all the consequential proceedings arising therefrom are quashed.

Accordingly, the present petition stands accepted.

29.05.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No