

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

251

CRM-M-32349-2017

Decided on : 17.11.2017

Sunil Kumar

... Petitioner

Versus

U.T.Chandigarh and others

.. Respondents

CORAM : HON'BLE MR.JUSTICE ARVIND SINGH SANGWAN

Present : Mr.S.K.Rana, Advocate for the petitioners.
Mr.G.S.Chahal, APP, U.T.Chandigarh

Arvind Singh Sangwan, J. (Oral)

Prayer in this petition is for quashing of FIR No.36 dated 25.1.2015 under Sections 420, 511 IPC registered at Police Station Sector 11, Chandigarh and all subsequent proceedings arising therefrom.

Vide order dated 1.9.2018, the matter was referred to the Mediation and Conciliation Centre of this Court to explore the possibility of a compromise in view of the fact that the petitioner is a student and on account of registration of the FIR, his future prospects are at stake. Report dated 3.11.2017 from the Mediator has been received and as per the report, a compromise has been arrived at between the parties and the dispute has been settled.

It is further stated that except the FIR in question no other civil or criminal case is pending between the parties. They have further undertaken that they will not file any civil or criminal case against each other and the complainant has no objection if the present petition is allowed and the impugned FIR is quashed. The Mediator also recorded the statements of the complainant and the Invigilator who was present in the examination centre when the FIR was registered against the petitioner

on account of possessing a mobile phone during examination conducted

by (UIET) Sector 25, Chandigarh.

Since the matter has been amicably settled between the parties and it has been resolved that they will not file any litigation against each other and civil and criminal side also in view of the fact that prima facie, no offence under Section 420 IPC is made from the bare perusal of the FIR. In view of the judgment of the Hon'ble Full bench of this Court in case 'Kulwinder Singh Vs. State of Punjab 2007 (4) CTC 769 where it has been held that where parties have compromised the matter and have decided to live in peace and have further undertaken not to pursue any case against each other, the FIR can be quashed even in the case other than matrimonial cases. Since the offences under Section 420 and 511 IPC are compoundable, in view of the judgment of Kulwinder Singh's (supra), the continuation of prosecution of the petitioner will be an abuse of process of law.

Considering the fact that the petitioner is a student and on account of registration of FIR, for possessing the mobile phone during examination, his prosecution may adversely affect his future prospects, the FIR No.36 dated 25.1.2015 under Sections 420, 511 IPC registered at Police Station Sector 11, Chandigarh and all subsequent proceedings arising therefrom are ordered to be quashed.

Petition stands disposed of.

[Arvind Singh Sangwan]
Judge

17.11.2017
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No