

(2020) 09 SHI CK 0052
In the High Court Of Himachal Pradesh
Case No : CR.MMO No. 183 Of 2020

Sumit Kumar Thakur & Others	Vs	APPELLANT
State Of H.P. & Another		RESPONDENT

Date of Decision : 04-09-2020

Acts Referred:

Citation : (2020) 09 SHI CK 0052

Hon'ble Judges : Vivek Singh Thakur, J

Bench : Single Bench

Advocate : Suneet Goel, Rahi, Neel Kamal Sharma

Final Decision : Disposed Of

Judgement

Vivek Singh Thakur, J

1. This petition has been filed for quashing of FIR No. 178, dated 9.8.2019, registered at Police Station Shimla West and quashing of proceedings initiated in pursuant thereto vide case No. 661 of 2019 pending in the Court of Judicial Magistrate 1st Class, Court No.III, Shimla.

2. Petitioners are students and ex-students of H.P. University. Some of them are pursuing their further studies some of them are in process of recruitment in various organizations. From document appended with petition, it appears that petitioner No.1 Sumit Kumar Thakur is trying to join Indian Air Force and simultaneously, he has applied for registration in Combined Defence Services Examination, 2020; petitioners No.21 and 23, namely Surender Kumar and Vikas, are trying to join H.P. Administrative Services, petitioners No. 9, 10 and 22 namely Rajinder Kumar, Vikesh and Rakesh Kumar have qualified National Eligibility Test for Assistant Professor; and petitioner No. 27 Rahul Kodan has appeared for selection as a Security Assistant/Executive in Intelligence Bureau and he has been selected. Petitioner No. 23 Vikas has also applied to the post of Statistical Assistant through H.P. Staff Selection Commission, Hamirpur.

3. Learned counsel for petitioners submits that other petitioners are also at a crucial point of their career and are going to complete their studies and thereafter, they have to join various services as per their qualification and capability. He further submits that because of pendency of criminal case, none of them would be able to join the services because during verification of antecedents, pendency of case would definitely come in their way in getting the job.

4. It is submitted by learned counsel for petitioners that all petitioners were not involved in alleged act, however, they were present on spot in different context, but, because of their presence, all of them have been considered to have been involved in commission of alleged offence.

5. During pendency of petition also, petitioners had approached University authorities for its consent for closure of criminal case pending against them. The said representation has been considered by Advisory-cum-Monitoring Committee of University on 2nd September, 2020 and learned counsel appearing for University has placed on record the instructions received by him in pursuant thereto, wherein it is stated that Committee, after threadbare discussion, has recommended that since FIR was registered against these students for violation of directions of Hon'ble High Court, so Hon'ble High Court may kindly pass necessary directions in this regard.

6. In reply filed by State, reference of order dated 12th March, 2007 passed by this Court in CWP No. 477 of 2005, titled Anjana Chauhan vs. State of H.P. and others has been given.

7. Learned counsel for petitioners submits that petitioners are ready to abide by any condition imposed by Court and also undertake not to join any such activity in future disturbing the atmosphere of University.

8. Considering entire facts and circumstances, present petition is allowed and FIR No. 178 dated 9.8.2019 is quashed along with consequential proceedings initiated in pursuant thereto subject to condition that petitioners shall file individual affidavits duly attested by Notary Public/Magistrate and submit the same to Registrar, H.P. University within 10 days i.e. on or before 14.9.2020, undertaking therein to abide by the order passed by High Court in CWP No. 477 of 2005 and also not to involve in unlawful activity, like present one, in future and to cooperate the University Authorities to maintain peaceful atmosphere, whereafter Registrar shall submit compliance report through counsel of the University in the Registry of this Court on or before 21.09.2020 and thereafter only this, judgment shall be operative. Failure in compliance in filing affidavits shall result into revival of FIR as well as criminal proceedings in question.

9. On compliance, Registry shall transmit copy of judgment to the trial Court for necessary action.

10. This order has not been passed considering the merits of case. Therefore, it

is made clear that this order will not be treated as a precedent and is confined to its peculiar facts.

11. Petition stands disposed of including all pending miscellaneous application(s), if any.