

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

**CRM-M No.30474 of 2018 (O&M)
Date of Decision: 25.02.2019**

MANU GERA

.....Petitioner

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Baldev Singh Sodhi, Advocate
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. Surinder Singh, Advocate
for respondent No.2

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.135 dated 04.09.2017 (**Annexure P-1**), under Sections 279 and 337 of Indian Penal Code, registered at Police Station Mataur, District SAS Nagar Mohali along with all consequential proceedings arising therefrom on the basis of compromise dated 16.07.2018 (**Annexure P-2**) entered into between the parties i.e. petitioner as well as respondent No. 2.

As per the allegations in the FIR, it has been alleged that on 01.09.2017, the complainant was going to his company for duty on his motorcycle at about 9:30 a.m. A car bearing registration No. PB-71-0440 was rashly and negligently driven by unknown driver struck on the right side of the motorcycle of the complainant due to which the complainant fell down and suffered injuries on his Knee and face. In the alleged accident the motorcycle of the complainant was also damaged.

Heard learned counsel for the parties and perused the paper book.

On 03.08.2018, this Court has passed the following order:-

“Learned counsel for the applicant-petitioner submits that matter has since been amicably settled with respondent No.2 and has placed on file affidavit of respondent No.2 to this effect.

Mr. Surinder Singh, Advocate has put in appearance on behalf of respondent No.2, filed power of attorney and endorses the submission of learned counsel for the petitioner. List on 25.10.2018, the date already fixed.

Parties may appear before the trial Court on 10.09.2018 or on any other date convenient to the trial Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the trial Court. In the event of their statements being recorded, the trial Court will send copies of the same to this Court with its report:

- (i) regarding genuineness and voluntary nature of the compromise;
- (ii) whether all the accused/petitioners are appearing before the Court or are on bail; and
- (iii) whether any other proceeding is pending against the accused/petitioners.

Report of trial Court be awaited for the date already fixed.”

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, SAS Nagar, Mohali and submitted a report dated 17.09.2018. The operative part of the same reads as under:-

'A perusal of statements of the parties, the said compromise has been found as genuine, voluntarily and without any undue influence or pressure; it being result of an amicable settlement arrived at between the parties.'

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and

without any coercion or undue influence and no one has been declared as proclaimed offender in this case.

On instructions from HC Sehajpreet Singh, learned State Counsel has acknowledged the above fact and further stated that she has no objection in case the present FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

In view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace and tranquility and thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioner.

February 25, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>