

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-21436 of 2012 (O&M)
Date of Decision: September 01, 2015

Major Singh

...Petitioner

VERSUS

Kabal Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Navkiran Singh, Advocate
for the petitioner.

Mr.H.S.Batth, Advocate
for respondents No.1 to 5.

None for respondent No.6.

None for respondent No.7.

INDERJIT SINGH, J.

Petitioner Major Singh has filed this petition against Kabal Singh and other respondents under Section 482 Cr.P.C. for issuance of suo moto criminal contempt proceedings against the respondent who filed CRM No.M-37909 of 2011 and by misleading this Court, obtained orders dated 04.04.2012 for quashing of criminal complaint dated 18.09.2008, on the basis of a compromise and have committed contempt of court and interfered and obstructed the administration of justice.

It is stated in the petition that criminal complaint was filed

by respondent No.7 namely Swaran Singh in his own name though acting as an Attorney of Gurmeet Singh and Baldev Singh. In the criminal complaint which is against the respondents as well as the petitioner, it is mentioned that a sale deed has been executed by Kabal Singh respondent No.1, posing himself as an Attorney of Gurmeet Singh, Baldev Singh, Amar Kaur, Gurnam Singh, Balbir Kaur and Harjit Kaur. The Court of learned JMIC, Tarn Taran summoned the respondents as well as the petitioner and petitioner is on bail in that case. It is further stated in the petition that respondent Kabal Singh and others filed CRM No.M-37909 of 2011, in which Swaran Singh respondent No.7 was a respondent before this Court and complaint and summoning order were sought to be quashed on the basis of the compromise between the parties, which was appended with the said petition. It is essential to note that neither petitioner nor Harbhajan Singh Lambardar were party to the said compromise. Vide order dated 04.04.2012 (Annexure P-3) complaint was quashed. It is also stated that on the date of entering into the compromise with the parties, Swaran Singh respondent No.7 did not have any valid power of attorney.

Notice of motion was issued and learned counsel for respondents No.1 to 5 appeared and contested the petition. However, none appeared on behalf of respondent No.7 despite service. Though counsel for respondent No.6 was appearing on earlier dates but none appeared on behalf of respondent No.6 today.

I have heard learned counsel for the parties and have

gone through the record.

From the record, I find that this petition is for initiating contempt proceedings against the respondents. The main point as argued is that Swaran Singh has filed a complaint as Attorney of Gurmeet Singh and Baldev Singh and the power of attorney was already expired when the quashing petition was filed. The perusal of the documents on record shows that the complaint has been filed not as an Attorney but in the personal capacity, which is clear from the headnote of the complaint, though it is mentioned in the body that complainant is having power of attorney on behalf of persons. But at the same time, none of the persons who have given the attorney to Swaran Singh are aggrieved from any act of Swaran Singh. They are not raising any dispute with Swaran Singh that he has done any act in violation of the attorney. The main facts are that in that complaint Swaran Singh entered into a compromise and quashing petition was filed on the basis of compromise against some of the accused. The present petitioner was not party to the compromise and therefore, he has not been impleaded as a party. The quashing petition has been allowed on the basis of the compromise qua the parties by this Court and that order has not been challenged so far and has become final. The other respondents i.e. respondents No.1 to 6 have not done any act of concealing any material fact from the Court.

The present petitioner is only aggrieved that the complaint in question has not been quashed against him. As he has not entered into the compromise with the complainant, therefore, he was not made

a party.

The perusal of the record shows that this Court did not find any ground to initiate contempt proceedings against any of the respondent. This Court is not satisfied from the arguments of learned counsel for the petitioner to initiate any contempt proceedings.

Therefore, finding no merit in the present petition, the same is dismissed.

September 01, 2015
Vgulati

(INDERJIT SINGH)
JUDGE