

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

(i) CRM-M-6109-2012 (O&M)

Prem Masih ...Petitioner

VERSUS

United Church of Northern India ...Respondent

(ii) CRM-M-6110-2012 (O&M)

Prem Masih and others ...Petitioner

VERSUS

United Church of Northern India ...Respondent

(iii) CRM-M-6111-2012 (O&M)

Prem Masih and others ...Petitioner

VERSUS

United Church of Northern India ...Respondent

(iv) CRM-M-6112-2012 (O&M)

Prem Masih and others ...Petitioner

VERSUS

United Church of Northern India ...Respondent

(v) CRM-M-16081 of 2013 (O&M)

Dr.Sunil Sadiq ...Petitioner

VERSUS

United Church of Northern India

...Respondent

Date of Decision: November 20, 2019

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr.A.P.S.Deol, Senior Advocate with
Mr.Yogesh Goel, Advocate
for the petitioners (in CRM-M-6109 to 6112 of 2012).

Mr.Hemant Bassi, Advocate
for the petitioner in CRM-M-16081-2013.

Mr.Gaurav Sharma, Advocate
for respondent-Joseph William.

Mr.Som Nath Aneja, Advocate
for the Intervenor.

HARINDER SINGH SIDHU, J.

These petitions have been filed under Section 482 Cr.P.C. for quashing of criminal complaints and summoning orders, as detailed below:

(i) CRM-M-6109 of 2012: This petition has been filed for quashing of complaint bearing No.301/2004 dated 13.01.2004 titled “UCNITA vs. Victor Kundan Lal Baksh” and summoning order dated 05.12.2005 to face trial under Section 420/467/468/400/34 IPC passed by the court of Additional Chief Judicial Magistrate, Hoshiarpur.

(ii) CRM-M-6110 of 2012: This petition has been filed for quashing of complaint bearing No.131/1 dated 06.05.2003 titled “UCNI (Punjab Synod) vs. Hana Malaki and others” and summoning

order dated 13.08.2007 to face trial under Section 420/467/468/171/120-B IPC passed by the court of Judicial Magistrate Ist Class, Ludhiana.

(iii) CRM-M-6111 of 2012: This petition has been filed for quashing of complaint bearing No.32/1 dated 06.05.2003 titled “UCNI (Punjab Synod) vs. Umar Draz Khan and others” and summoning order dated 29.01.2007 to face trial under Section 420/467/468/171/120-B IPC passed by the court of Judicial Magistrate Ist Class, Ludhiana.

(iv) CRM-M-6112 of 2012: This petition has been filed for quashing of complaint bearing No.133/1 dated 06.05.2003 titled “UCNI (Punjab Synod) vs. Avinash Kumar” and summoning order dated 13.08.2007 to face trial under Section 420/467/468/171/34 IPC passed by the court of Judicial Magistrate Ist Class, Ludhiana.

(v) CRM-M-16081 of 2013: This petition has been filed for quashing of complaint bearing No.133/07 dated 06.05.2003 titled “UCNI (Punjab Synod) vs. Avinash Kumar and others” and summoning order dated 13.08.2007 to face trial under Section 420/467/468/171/34 IPC passed by the court of Judicial Magistrate Ist Class, Ludhiana.

For the purpose of disposal, the facts are being taken from CRM-M-6109 of 2012.

Complaint dated 13.01.2004 was filed by Rev. Clarence Bansi Lal, claiming to be authorized signatory of United Church of Northern India

on the basis whereof, power of attorney dated 14.10.2008 was executed and petitioners claimed to be acting trustees for the church properties on behalf of UCNITA, is forged and fabricated.

The case of the petitioner was that the complainant had no locus standi to institute the complaint. In fact, in various suits instituted by the petitioners, it has been specifically held that UCNI represented by the respondent-complainant, was not a registered body and its name had been misused in order to grab the properties of the Church Northern India (CNI) and UCNITA. Reference was made Civil Suit No.383 of 2019 decided on 29.01.1999 by learned Civil Judge (Jr. Divn.), Gurdaspur. The findings therein were affirmed by learned Additional District Judge, Gurdaspur vide judgment dated 26.04.2002, which was further affirmed by this Court in RSA No.4132 of 2002 decided on 29.07.2004.

During the pendency of this petition, the parties entered into a compromise dated 19.05.2017. Vide order dated 24.05.2017, the petitioner as well as the respondent-complainant were directed to appear before the trial Court on 02.06.2017 for getting their statements recorded to the effect that compromise has actually been arrived at between them. Pursuant to above-said order, the parties appeared before learned JMIC, Hoshiarpur (*Ref. CRM-M-6109-2012*), who submitted report dated 12.06.2017 stating that parties had appeared before the Court on 02.06.2017 and their statements were recorded. It was also submitted that the compromise was voluntary and was recorded without any undue influence or coercion from any quarter, and was valid/genuine compromise.

Rev. Joseph William, who claimed himself to be GPA of

(UCNI) filed application for being substituted in place of the respondent-complainant and praying that the compromise dated 19.05.2017 be not acknowledged. It was stated that respondent-Clarence Bansi Lal had compromised the matter with the petitioners against the interest of the UCNI and same should not be acknowledged. The application was disposed of vide order dated 27.02.2019 declining the prayer for impleadment as party in proceedings. However, the applicant was allowed to join the proceedings for limited purpose to ascertain as to whether said compromise was genuine or not and whether the parties were legally competent to enter into such a compromise.

Thereafter, vide order dated 25.09.2019, the matter was referred to the Mediation and Conciliation Centre of this Court.

Report dated 08.11.2019 of the Mediator has been received along with the 'Settlement Agreement' entered into between the parties. Prem Masih, petitioner in CRM-M-6109 to 6112 of 2012 and Sunil Sadiq (petitioner in CRM-M-16081-2013 and respondent No.2 in CRM-M-18969 of 2017) is the First Party to the settlement. United Church of North India through its Moderator Rev. Joseph William is the Second Party to the settlement agreement.

In the settlement agreement, second party has endorsed the earlier compromise dated 19.05.2017 and stated that it has no objection, if the petitions i.e. CRM-M-6109-2012 to CRM-M-6112-2012 are allowed, in view of the aforesaid compromise in the larger interest of the Christian Community. The second party also has no objection if CRM-M-16081 of 2013 is allowed.

As the matter has been compromised between the parties and there is no objection to the said compromise from any quarter and keeping in view the guidelines in **Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (CrI.) 1052** (Full Bench) for quashing on the basis of compromise, all the five petitions bearing numbers CRM-M-6109-2012, CRM-M-6110-2012, CRM-M-6111-2012, CRM-M-6112-2012, CRM-M-16081-2013) are allowed.

The criminal complaints (complaint No.301/2004 dated 13.01.2004, summoning order dated 05.12.2005, complaint No.131/01 dated 06.05.2003, summoning order dated 13.08.2007, complaint No.32/1 dated 06.05.2003, summoning order dated 29.01.2007, complaint No.133/1 dated 06.05.2003, summoning order dated 13.08.2007, complaint No.133/07 dated 06.05.2003, summoning order dated 13.08.2007) and all subsequent proceedings arising therefrom, pending before respective Trial Courts, are hereby quashed qua the petitioners.

November 20, 2019

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether speaking/reasoned
Whether reportable

**Yes
Yes/No**