

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

CRM-M-15282 of 2012

Date of Decision: August 18, 2015

Sharanvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. S.S. Rangi, Advocate
for the petitioner.

Mr. C.S. Brar, DAG, Punjab.

FATEH DEEP SINGH, J.

The petitioner Sharanvir Singh, who is an accused in case registered by way of FIR No.286 dated 3.8.2009 under Section 21 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (in short, 'the Act') at Police Station Tripri Town, Patiala has invoked the jurisdiction of this Court under Section 482 Cr.P.C. seeking quashing of FIR so registered against him. The contentions on which the petition is based are that the petitioner is a licence holder and authorised by the State Drug Controller, Punjab to sell, stock or exhibit or offer for sale the drugs detailed in schedule-X and under that licence he was running as a sole proprietor concern M/s Sahil Medical Hall, Ranjit Nagar, Seona Road, Patiala and his licence at the time of alleged occurrence was legal and valid one. The petitioner has sought to challenge that as per the allegations of the FIR he was found to be in possession of 384 capsules marked SPM-PRX manufactured by Wockherdt without any licence or authorisation and that if there was any violation of the terms of the

licence it was only Drug Inspector, who was competent in terms of Section 32 of the Drugs and Cosmetics Act to take recourse of law.

The State has filed reply by way of short affidavit of Sudha Dehal, Drugs Inspector, Patiala-2, wherein, it is duly admitted that the petitioner was holding a valid retail drug sale license and by virtue of which he was authorised to stock or exhibit medicine/drugs for the purpose of sale and distribution containing formulations of Dextropropoxyphene Hydrochloride and its salt/forms in formulations form under the provisions of Drugs and Cosmetics Rules 1945 and that on the alleged date of occurrence i.e. 3.8.2009 renewed by way of Form 21-C issued to M/s Sahil Medical Hall, Ranjit Nagar, Seona Road, Patiala by the Licencing Authority on the basis of his letter No. drugs/PTA/161 dated 9.8.2007. Though, on behalf of the State resistance has been sought to be offered by Mr. R.S. Randhawa, Additional Advocate General, Punjab that it is a matter of evidence and cannot at this juncture be a sufficient ground for quashment. The Hon'ble Apex Court in case of **State of Haryana and others vs. Ch. Bhajan Lal and others AIR 1992 S.C. 604** has detailed at length the parameters that needs to be the basis of such a quashment. The present case would not lead to any meaningful results and rather is a misuse of the process as well as wastage of valuable time of the Court.

(FATEH DEEP SINGH)
JUDGE

August 18, 2015
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