

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-210-2012 (O&M)

Date of Decision: February 10, 2015

Laborate Pharmaceuticals India Ltd. And another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. V.K. Kataria, Advocate,
for the petitioners.

Mr. Pawan Jhanda, AAG, Haryana.

Mr. Sanjay Panghal, Advocate,
for Mr. S.S. Nara, Advocate,
for respondent Nos. 2 and 3.

Mr. Keshav Kataria, Advocate,
for respondent Nos. 4, 5, 6 and 7.

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 482, Cr.P.C.,
is for quashing of Complaint No. COMA/0900207/2011
0618...16522-11, dated 5.8.2011 (Annexure P-7), filed by
respondent No. 1, under the provisions of the Drugs and

Cosmetics Act, and all subsequent proceedings arising out of the above said complaint.

A specific question was put to learned counsel for the petitioners as to whether summoning order has been passed in the present case, then he fairly admitted that the summoning order has been passed but the petitioners have not received the summons. The Court further asked the learned counsel for the petitioners as to whether after passing of the summoning order, can the petitioners file petition for quashing of the complaint (Annexure P-7) alone without challenging the summoning order. In response thereto, learned counsel answered that all the consequential proceedings arising out of the complaint have been challenged.

This Court further asked as to why the summoning order was not enclosed with the petition, then he could not answer to the said query. Learned counsel was also apprised of the order dated 11.11.2014, passed by this Court wherein it was mentioned that the co-accused of the petitioners had also filed a petition before this Court and the same was withdrawn with permission to file the criminal revision before the Court of Session. Again the said co-accused of the petitioners had filed

CRM-M-28827 of 2014 before this Court and the same was dismissed by holding that the summoning order was amenable to revisional jurisdiction of the Court of Session. Same is the answer to the present petition. The petitioners, if so advised, can challenge the summoning order before the Court of Session by way of criminal revision petition. In the matter of **Mohit alias Sonu and another v. State of U.P. and another**, 2013 (3) R.C.R. (Criminal) 673, Hon'ble the Supreme Court held that summoning order can be challenged by way of criminal revision petition. Inherent powers of the High Court can be exercised when there is no remedy provided in the Code of Criminal Procedure for redressal of grievance.

Dismissed.

(NARESH KUMAR SANGHI)
JUDGE

February 10, 2015
Pkapoor