

CRM-M-41864 of 2017

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

CRM-M-41864 of 2017
Date of Decision: 06.12.2018

Natubhai M. Patel

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. N.K. Manchanda, Advocate, for the petitioner.
Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Receipt qua deposit of costs of ₹20,000/- in compliance of order dated 27.09.2018, produced in Court today is taken on record.

Through this petition under Section 482 Cr.P.C. prayer has been made for quashing complaint No.235-2 dated 21.05.2016 (Annexure P-1) titled as “State v. M/s Nanda Khad Store and others” under Sections 3 (K)(i), 17, 18, 29, 33 punishable under Section 29 of the Insecticide Act, 1968 Rule 27(5) of the Insecticide Rules, 1971, summoning order dated 21.05.2016 (Annexure P-2) and all subsequent proceedings pending in the Court of learned Chief Judicial Magistrate, Ferozepur, being hopelessly time-barred.

In nutshell, on 23.12.2011 shop No.16 of M/s Nanda Khad Store, dealer of the petitioner, situated in Gram Market Zira, District Ferozepur, was inspected and samples of Piraxofop-propanyle 15% WP

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bearing batch No.1210148 having manufacturing date 15.12.2010 and expiry date 15.12.2012, manufactured by Meghmani Industries Limited, kept for sale, were taken. By converting the same in three portions of 40 gms each vide seizure memo forms No. XX and XXI duly signed by Insecticide Inspector and Davinder Kumar proprietor of the aforesaid firm. One sample was sent to Insecticide Quality Control Laboratory, Ludhiana, which on analysis was found mis-branded vide report dated 09.02.2012 (Annexure P-3). Since Davinder Singh proprietor of the said firm was not satisfied with the analysis report (Annexure P-3), therefore, on his request, second sample was sent to the Central Insecticides Laboratory, Faridabad. Vide report dated 21.05.2012 (Annexure P-5) sample was again declared mis-branded. Consequently, Chief Agriculture Officer, Ferozepur, wrote letter No.1485 dated 04.03.2013 for grant of necessary sanction to file complaint against the petitioner and his aforesaid dealer to the office of Director of Agriculture, Punjab, who in turn granted sanction vide order dated 25.10.2013 (Annexure P-6). Thereafter, impugned complaint (Annexure P-1) was filed impleading the petitioner as party, he being a managing director of the manufacturing company.

Learned counsel for the petitioner *inter alia* contends that trial Court before summoning the petitioner vide order dated 21.05.2016 (Annexure P-2) failed to appreciate that complaint was hopelessly time-barred being filed after three years and seven months, excluding the period consumed in obtaining sanction. It instead of issuing process against the petitioner ought to have dismissed the complaint in toto. In support of his arguments, learned counsel placed reliance on the judgments in *State of*

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***Rajasthan v. Sanjay Kumar*, 1998(3) R.C.R.(Criminal) 846 (S.C.), *Om Parkash Aggarwal v. State of Haryana*, 2015(2) R.C.R.(Criminal) 625 (P&H) and CRM-M-8243 of 2017 titled “M/s Doaba Seed Store and another v. State of Punjab” decided on 16.08.2018.**

On the other hand, learned State counsel has not been able to refute the above submissions of learned counsel for the petitioner.

Above referred authorities by the Hon'ble Supreme Court and this Court speak that limitation to file complaint starts from the date of receipt of State Public Analyst Report and complaint filed after a period of limitation would be barred under Section 468 Cr.P.C. Since the impugned complaint was filed beyond the period of limitation, therefore, same is liable to be quashed.

In view of above, petition is allowed. Impugned complaint along with all consequential proceedings arising therefrom is quashed.

**(RAMENDRA JAIN)
JUDGE**

December 06, 2018
R.S.

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No