

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30610-2014

DATE OF DECISION:-25.02.2019

M/S NAVNEET SINGH AND ANR.

...PETITIONERS...

V.

STATE OF PUNJAB

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Rajesh Kumar Girdhar, Advocate,
for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. prayer has been made for quashing impugned complaint No.26 dated 25.03.2014 under Sections 3(k) (i) & 17, 18 and 33 of the Insecticides Act, 1968 punishable under Section 29 of the Insecticides Act 1968 read with Rule 27(5) of Insecticide Rules 1971 (P-3), summoning order dated 25.03.2014 passed by Chief Judicial Magistrate, Amritsar (P-4) and all consequent proceedings arising thereof.

Learned counsel for the petitioners placing reliance upon judgments of this Court titled as "*M/s Josan Khad Store and ors. vs. state of Punjab*", (2014) 1 RCR (Criminal) 43, *M/s Garg Brother's and Company vs. State of Punjab*, 2013 (4) RCR (Criminal) 826, *M/s Sandhu Kheti Store Sewa Centre and ors. vs. State of Punjab*, 2013 (4) RCR (Criminal) 893, *M/s Kisan Beej Bhandar, Abohar vs. Chief*

Agricultural Officers, Ferozepur, (1990) SCC (Cri) 623 and *M/s National Agro Centre and another vs. State of Punjab*, decided on 04.11.2016 passed in CRM-M-11724-2013, contends that the petitioners being not manufacturers of alleged misbranded insecticides, as dealers only could not have been prosecuted. The manufactures are already facing prosecution. No allegation in the personal capacity of the petitioners has been levelled by the complainant in the impugned complaint by Insecticides Inspector. Therefore, the impugned complaint as well as summoning order is liable to be quashed.

Learned State counsel is not in a position to cite any contrary judgment.

In view of the above, this petition is allowed. Complaint No.26 dated 25.03.2014 (P-3), summoning order dated 25.03.2014 (P-4) and all consequent proceedings arising therefrom are quashed/set aside qua the petitioners only.

25.02.2019
sonika

(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No