

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

**CRM-M-12975-2015 (O&M)  
Date of Decision : 14.01.2020**

M/s Dashmesh Pesticides and Fertilizers and others  
..... Petitioners  
Versus

State of Punjab  
..... Respondent

**CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN**

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Present : Mr. R.K.Girdhar, Advocate  
for the petitioners.

Mr. N.K.Banka, DAG, Punjab.

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**RAMENDRA JAIN, J. (Oral)**

Through this petition under Section 482 Cr.P.C. prayer has been made for quashing impugned complaint No.270 dated 09.07.2013 under Sections 3(k) (i) & 17, 18, 29 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 08.12.2014 passed by Sub Divisional Judicial Magistrate, Baba Bakala (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 as dealers and not manufacturers of alleged misbranded insecticides were not liable to be prosecuted. The manufactures are already facing prosecution. There is no allegation against the petitioners that seal of the container from which sample was taken was ever tampered with by the petitioners. Thus, the impugned complaint as well as summoning order are 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.270 dated 09.07.2013 (Annexure P-3), summoning order dated 08.12.2014 (P-4) and all consequent proceedings arising therefrom are quashed/set aside qua the petitioners only.

14.01.2020  
mamta

(RAMENDRA JAIN)  
JUDGE

Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No