

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

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CRM-M-3593-2019 (O&M)

Date of decision: 23.01.2023

M/s Cheminova India Ltd. And others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nitin Thatai, Advocate and
Ms. Nidhika Luthra, Advocate
for the petitioners.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners are seeking quashing of the complaint No.4432 of 2016 titled as 'State Vs. M/s Singla Kheti Sewa Centre, Malaud and others' filed before the Chief Judicial Magistrate, Ludhiana on 18.04.2016 (Annexure P-2) along with all consequential proceedings arising therefrom.

Learned counsel for the petitioners submits that the petitioner company was not the manufacturer of the alleged mis-branded insecticides as they had been manufactured by respondents No.3 to 5. Learned counsel further submits that as per Section 30(3) of the Insecticides Act, 1968 (for short, 'the Act') prosecution, if any, should have been initiated against respondent No.3 to 5 and not against the petitioners which had been erroneously done in the case in hand. Learned counsel has further submitted that CRM-M-36938-2016 had been filed by co-accused for quashing of the complaint in question i.e. complaint No.4432 of 2016 dated 18.04.2016 under Sections 3(k)(i),

17, 18, 29 and 33 of the Act and this Court vide order dated 06.12.2019 (Annexure P-10) had allowed the petition and quashed the complaint in question along with consequential proceedings, arising therefrom including the summoning order dated 18.04.2016. Learned counsel submits that the case of the petitioners is at par with that of the petitioners in CRM-M-36938-2016. It has also been submitted that the said order vide which the complaint in question was quashed along with consequential proceedings arising therefrom has attained finality as no appeal has been preferred against it by the State of Punjab. Still further, learned counsel has submitted that even otherwise, the case of the petitioners is squarely covered by the judgment of the Hon'ble Supreme Court rendered in the case of M/s Cheminova India Ltd. and another Vs. State of Punjab and another : 2021(3) RCR (Criminal) 750.

On the other hand, learned State counsel has very fairly conceded that the complaint in question qua co-accused has indeed been quashed for along consequential proceedings and the present petitioners are similarly placed as the petitioners in that case. Learned State counsel has also not disputed that no appeal has been preferred against the order dated 06.12.2019 passed in CRM-M-36938-2016 whereby the complaint in question was quashed qua co-accused.

I have heard learned counsel and perused the relevant material on record.

As conceded by learned State counsel, the case of the present petitioners is at par with that of petitioners in CRM-M-36938-2016 whereby the complaint in question along with consequential proceedings arising therefrom including the summoning order was

quashed. Therefore, this Court deems it fit to quash the complaint in question along with all consequential proceedings arising therefrom qua the present petitioners also.

Accordingly, the instant petition is allowed and the complaint in question along with all consequential proceedings, arising therefrom including the summoning order is quashed qua the present petitioners.

23.01.2023

(MANJARI NEHRU KAUL)

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JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No