

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60034-2022

Date of Decision : April 29, 2024

Ramesh Kumar Mehla and anotherPetitioners

Vs.
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rakesh Verma, Advocate and
Mr. Manish Verma, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. Advocate General, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of impugned Complaint No.15 dated 22.06.2021 under Section 19(A) and (C) of the Fertilizer Control Order, 1985 punishable under Section 7 of the Essential Commodities Act, 1955 read with Section 12 AA of the Essential Commodities Act, 1955 titled as ‘State Vs. M/s Discount Khad Store and others’ and the order dated 16.09.2021 whereby notices have been issued to the petitioner (Annexure P-2) and all the consequential proceedings arising therefrom.

2. On 22.12.2022, the following order was passed :-

“Learned counsel for the petitioners, *inter alia*, contends that the complaint was filed on 22.06.2021, after a long lapse of time i.e. 01 year, 08 months and 19 days, from the date of first Analysis Report dated 03.10.2019. It is

further submitted that initially, the trial Court adjourned the case vide order dated 22.06.2021 and thereafter, without passing a summoning order, straight way passed the impugned order, directing that fresh notice be issued to the petitioners.

Notice of motion for 20.04.2023.

In the meantime, further proceedings before the trial Court qua the petitioners shall remain stayed.

The trial Court is directed to submit a report as to how without passing a summoning order, notices have been issued to the petitioners.”

3. A perusal of the aforementioned order would reveal that despite there being no summoning order, notices have been issued to the petitioners. The said fact has not been denied by the counsel for the State.

4. In view of the fact that there is no summoning order on record but only notices have been issued on 16.09.2021 vide order Annexure P-2, I find merit in the present petition and, therefore, the said notice stand quashed.

5. However, the trial Court is free to examine the complaint, once again and pass an appropriate order in accordance with law.

6. In case, the trial Court summons the petitioners, they are free to avail the remedies available to them in accordance with law.

7. Disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 29, 2024
satish

Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO