

2026.PHHC.030861



CRM-M-9213-2021

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

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CRM-M-9213-2021 (O & M)

Date of decision: 25.02.2026

M/S SWASTIK PESTICIDES LTD. ANF ORS

....Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C., for quashing of complaint No.COMA-474-2018, dated 01.10.2018, under Sections 3 k(i), 17, 18, 29 and 33 of Insecticides Act, 1968 read with Rules 27(5) of the Insecticides Rules, 1971, the summoning order dated 18.07.2019 passed by learned Sub Divisional Judicial Magistrate, Phul, and all other subsequent proceedings arising therefrom.

2. Learned counsel submits that delay in filing the complaint could not be condoned, without issuing any notice to the petitioners, as also the co-accused, in view of the judgment of Hon'ble the Supreme

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Court in **State of Maharashtra vs. Sharadchandra Vinayak Dongre**

1994(3) RCR (Criminal) 657, relevant para whereof reads thus:

“9. Since the Chief Judicial Magistrate condoned the delay for launching the prosecution, without notice to the respondents and without affording any opportunity to the respondents to have their say, the case deserves to be remitted to the Chief Judicial Magistrate for deciding the application filed by the prosecution seeking condonation of delay, if any, afresh in accordance with law after hearing both the parties. It is after the decision of the application for condonation of delay that the Chief Judicial Magistrate shall proceed further in the matter. The finding of the High Court that the CJM could not take cognizance of the offence on the basis of 'incomplete' police report, for the reasons already recorded, is, however, set aside. The Chief Judicial Magistrate shall proceed further in accordance with law after deciding the application seeking condonation of delay. Nothing said herein above, shall, however, be construed as any expression of opinion on the merits of the case.”

3. Learned State counsel, despite best efforts, has not been able to controvert as regards the factual position and draw out any distinctive aspects in the aforementioned decision or cite any contrary law.

5. In view of the above, the impugned order dated 18.07.2019, Annexure P-2, is set aside with a direction to the trial Court to decide the application for condonation of delay afresh on merits, in accordance with law, after putting the parties to notice.

6. Disposed of accordingly.

25.02.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No