



(135) CRM-M-16740-2025 1

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

(135)

**CRM-M-16740-2025
DATE OF DECISION: 21.05.2026**

Lakhvir Singh

.....Petitioner

VERSUS

Society for Prevention to Cruelty to Animals,
Field Inspector, SPCA, Chandigarh

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Darshan Singh, Advocate,
and Mr. Didar Singh, Advocate, for the petitioner.
None for the respondent.

SUBHAS MEHLA, J (ORAL)

1. Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short - 'the BNSS') for quashing of impugned order dated 13.09.2024 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Chandigarh whereby the petitioner has been summoned to face trial in complaint case No. COMA/17464/2024 under Section 34 of the Prevention of Cruelty to Animals Act, 1960 (for short - 'the Act').

2. As per report of the registry, notice issued to respondent has been received back served, however there is no representation on his behalf today.

3. The limited prayer of the learned counsel for the petitioner is that the impugned complaint is barred by limitation as the incident pertains to 01.03.2024 whereas the complaint came to be filed on 12.09.2024. It is



contended that in view of the Act, which prescribes a limitation period of three months, prosecution for an offence qua this Act cannot be instituted.

4. Heard and Sections 34 and 36 of the Act perused, which are reproduced as under:-

34. General power of seizure for examination.—Any police officer above the rank of a constable or any person authorised by the State Government in this behalf, who has reason to believe that an offence against this Act has been or is being, committed in respect of any animal, may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest magistrate or by such veterinary officer as may be prescribed, and such police officer or authorised person may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination.

36. Limitation of prosecutions.—A prosecution for an offence against this Act shall not be instituted after the expiration of three months from the date of the commission of the offence.

5. This Court finds merit in the contention of learned counsel for the petitioner. Hence, the present petition is **allowed** and impugned order dated 13.09.2024 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Chandigarh whereby the petitioner has been summoned to face trial in complaint case No. COMA/17464/2024 under Section 34 of the Act is set aside and complaint as well as the summoning order are hereby quashed.

21.05.2026	(SUBHAS MEHLA)
mamta	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No