



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

**CRM-M No.29273 of 2020
Reserved on: 07.04.2026
Pronounced on: 18.04.2026
Uploaded on: 20.04.2026**

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

M/s Herbicides (India) Ltd. and another

...Petitioners

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Argued by:- Mr. Sandeep Jasuja, Advocate
for the petitioners.

Mr. Sahil Chowdhary, AAG, Punjab.

MANDEEP PANNU, J.

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of Complaint No. COMA/37/2017 dated 04.08.2017 (Annexure P-13) under Sections 3(k)(i), 17, 18, 29 and 33 of the Insecticides Act, 1968 read with Section 27(5) of the Insecticide Rules, 1971 and all the consequential proceedings arising therefrom, including the summoning order dated 04.08.2017 (Annexure P-14), vide which the petitioners have been summoned to face trial before the Court of Judicial Magistrate First Class, Malerkotla.

2. The impugned order dated 04.08.2017 (Annexure P-14) has been passed by learned Judicial Magistrate First Class, Malerkotla,



whereby the petitioners/accused have been summoned to face trial in the complaint filed under the provisions of the Insecticides Act, 1968 and the Rules framed thereunder.

3. It is contended on behalf of the petitioners that the present complaint is not maintainable and is liable to be quashed. It is submitted that the complaint has been filed after an inordinate and unexplained delay and is hopelessly barred by limitation. The sample in question was allegedly drawn on 21.09.2011 and the report of the Analyst was prepared on 19.10.2011 and received shortly thereafter. Even the re-analysis report was received in last week of June 2012, however, no steps were taken by the respondent for a considerable period and sanction for prosecution was sought only on 06.01.2014 and granted on 03.07.2014, whereas the complaint came to be filed only on 04.08.2017, i.e. after more than six years from the date of analysis report. It is thus argued that in view of Section 468 Cr.P.C., the complaint is clearly time barred. It is further contended that the limitation for filing the complaint is to be reckoned from the date of receipt of the Public Analyst report and not from the date of sampling, and reliance has been placed upon judicial precedents to contend that delayed filing of the complaint vitiates the prosecution. It is also submitted that the re-analysis conducted at the instance of the accused cannot extend the period of limitation. It is also argued that the mandatory provisions of the Insecticides Act have not been complied with, inasmuch as the sample became unfit for analysis due to lapse of time and the petitioners have been deprived of their valuable right to have the sample tested through the Court. It is further



contended that there is no specific averment in the complaint as to how the petitioners were responsible for the alleged offence, particularly petitioner No. 2, who is stated to be a non-executive Director and not responsible for day-to-day affairs of the company, and thus cannot be held vicariously liable under Section 33 of the Act. Still further, it is contended that no proper sanction as required under Section 31 of the Act has been accorded, as there has been no application of mind by the sanctioning authority and even the reply submitted by the petitioners was not considered. It is also submitted that no show cause notice was served upon the petitioners and the procedure adopted by the Insecticide Inspector was contrary to law, including non-joining of independent witnesses and non-compliance of statutory requirements while drawing the sample. It is thus prayed that in view of the aforesaid facts and circumstances, the complaint as well as the summoning order are liable to be quashed.

4. It is contended on behalf of the respondents that the present petition is misconceived and liable to be dismissed. It is submitted that the sample in question was duly drawn on 21.09.2011 from the premises of respondent No.2 and the same was got tested from the State Insecticides Testing Laboratory, Ludhiana on 19.10.2011. Thereafter, on the request of respondent No.2, the reference sample was sent for re-analysis to the Central Insecticides Laboratory, Faridabad on 14.06.2012. It is further submitted that after obtaining the necessary sanction/consent, the complaint was filed before the learned Judicial Magistrate First Class, Malerkotla on 04.08.2017 along with an application under Section 473 Cr.P.C. for condonation of



delay, which learned trial Court was competent to allow. It is further contended that learned trial Court, after considering the material available on record, has rightly taken cognizance and issued summoning orders and there is no illegality in the same. It is also submitted that the provisions of Section 468 Cr.P.C. are not attracted in a strict sense as the delay has been sufficiently explained on administrative grounds and the Court has the power to condone the same. The respondents further submit that the sample was tested as per the prescribed procedure and within the stipulated time, both by the State and Central laboratories, and therefore, there is no illegality in the testing process. It is also contended that the allegations regarding non-compliance of statutory provisions and lack of responsibility of the petitioners are matters of trial and cannot be adjudicated at this stage.

5. I have heard learned counsel for the parties and have gone through the record of the case.

6. The impugned summoning order dated 04.08.2017 passed by the learned Judicial Magistrate First Class, Malerkotla reads as under:

“Complaint presented before me as the learned Presiding Officer is on maternity leave w.e.f. 30.05.2017 to 24.11.2017 and undersigned has been directed to look after the work vide letter bearing endorsement no 3532 dated 30.05.2017.

Notice to accused be issued for 03.11.2017.”

7. The aforesaid order, reproduced as such, clearly reveals that the learned trial Court has not recorded any satisfaction regarding the existence of a *prima-facie* case, nor has it discussed the material available



on record. The order is completely non-speaking and reflects total non-application of mind.

8. Another significant aspect of the matter is with regard to limitation. It is now well settled that the period of limitation for launching prosecution in such matters is to be reckoned from the date of receipt of the report of the Public Analyst and not from the date of collection of the sample. In the present case, the report of analysis is of the year 2011 and even the re-analysis report was received in the year 2012, whereas the complaint has been filed only on 04.08.2017, i.e. after a considerable delay of several years. Though an application under Section 473 Cr.P.C. for condonation of delay is stated to have been filed, there is nothing in the impugned order to indicate that the learned trial Court has applied its mind to the question of limitation or has passed any order condoning the delay in accordance with law.

9. In view of the above, this Court is of the considered opinion that the impugned summoning order cannot be sustained. However, instead of quashing the complaint outright, it would be appropriate to remand the matter to the learned trial Court for fresh consideration.

10. Accordingly, the impugned order dated 04.08.2017 (Annexure P-14) is set aside. The matter is remanded back to the learned trial Court to consider the complaint afresh and to pass a speaking order in accordance with law, after duly considering all relevant aspects, including the question of limitation, the application, if any, under Section 473 Cr.P.C., and the material placed on record in the form of preliminary evidence. The learned



trial Court shall decide whether sufficient grounds exist for summoning the petitioners, without being influenced by any observations made hereinabove.

11. Disposed of accordingly.
12. All pending applications, if any, also stand disposed of.

18.04.2026
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(MANDEEP PANNU)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>