



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

Sr. No.127

CRM-M-50482-2023

Reserved on:-07.04.2026

Pronounced on:-18.04.2026

Uploaded on:- _____

Whether only operative part of the judgment is

Pronounced or the full judgment is pronounced:

operative part/full judgment

AJAY G PIRAMAL AND ANR.

...Petitioners

Versus

UNION OF INDIA AND ANR.

....Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. R.S. Rai, Sr. Advocate, with
Mr. Dinesh Trehan and Mr. Arjun Mahajan, Advocates,
Mr. Anurag Arora, Mr. Farhad Kohli, Advocates and
Mr. Aryan Verma, Advocate
for the petitioners.

Mr. Pankaj Gupta, Sr. Panel Counsel with
Mr. Vaibhav Gupta, Advocate
for the respondents-Union of India.

MANDEEP PANNU, J.

1. The present petition has been filed under Section 482 Cr.P.C. for setting aside the impugned summoning order dated 03.06.2023 and for quashing of Criminal Complaint bearing No. COMA 1781/2023 dated 16.05.2023 (Annexure P-1 (Colly) filed against the petitioners under Section 18(a)(i) read with Section 16(1)(a) punishable under Section 27(d) of the Drugs and Cosmetics Act, 1940, and all consequential proceedings arising therefrom.



2. It is contended on behalf of the petitioners that as per the allegations in the complaint, a sample of the drug “Supradyn Tablets” was allegedly drawn on 10.04.2019 from the premises of M/s Singla Medical Agencies, Patiala and was sent for analysis to the Government Analyst on 16.05.2019. The Government Analyst vide report dated 31.07.2019 declared that the sample did not conform to the prescribed standards in respect of assay of Cyanocobalamin. Thereafter, a show cause notice dated 25.09.2019 was issued to the manufacturer, to which reply dated 15.10.2019 was submitted, seeking re-analysis of the sample by the Central Drugs Laboratory, Kolkata. It is further submitted that the sample was thereafter sent for re-testing and as per report dated 26.06.2020, the drug was again declared as “Not of Standard Quality”. It is further contended that despite the aforesaid facts, the complaint came to be filed only on 16.05.2023, i.e. after an inordinate delay of nearly four years from the date of the Government Analyst report and about three years from the report of the Central Drugs Laboratory, without any proper explanation. It is argued that such delay vitiates the proceedings and renders the complaint liable to be quashed on the ground of limitation. It is also contended that the petitioners have been arrayed as accused merely on the basis of their designation as Chairperson and Vice-Chairperson of the company and there are no specific averments in the complaint to show that they were in charge of and responsible for the day-to-day affairs of the company. It is submitted that in absence of specific allegations, vicarious liability cannot be fastened upon the petitioners. It is further argued that the impugned summoning order has



been passed in a mechanical manner without due application of mind and without recording satisfaction that a prima facie case is made out. It is submitted that the learned trial Court has failed to consider whether sufficient grounds existed for issuance of process under Section 204 Cr.P.C., and the order does not reflect any reasoning or consideration of material on record. On these grounds, it is prayed that the complaint as well as the impugned summoning order be quashed.

3. Learned counsel appearing on behalf of the Union of India has opposed the present petition and submitted that the complaint has been filed strictly in accordance with law and after due compliance of the provisions of the Drugs and Cosmetics Act, 1940 and the Rules framed thereunder. It is contended that the sample of the drug in question was duly drawn and sent for analysis to the Government Analyst, who vide report dated 31.07.2019 declared the same to be not of standard quality. Thereafter, upon request of the manufacturer, the sample was sent to the Central Drugs Laboratory, Kolkata for re-analysis, which also confirmed the earlier report vide report dated 26.06.2020. It is further submitted that after completion of the necessary procedural requirements, including issuance of show cause notice and consideration of the reply submitted by the manufacturer, the complaint was filed. It is argued that the delay, if any, stands sufficiently explained on account of administrative and procedural formalities involved in processing the matter and obtaining necessary approvals. It is also contended that at the stage of summoning, the learned trial Court is only required to see whether a prima facie case is made out and not to conduct a detailed appreciation of



evidence. It is submitted that the material placed on record clearly discloses commission of offence and, therefore, the summoning order has been rightly passed. Learned counsel further submits that the plea regarding absence of specific role of the petitioners and their alleged non-involvement in day-to-day affairs are matters of evidence, which can be adjudicated during trial and cannot be a ground for quashing the complaint at the threshold.

4. I have heard learned counsel for the parties and have gone through the record of the case with their able assistance. The short question which arises for consideration before this Court is as to whether the complaint in question and the consequent summoning order can be sustained in the face of the bar of limitation as prescribed under the provisions of Chapter XXXVI of the Code of Criminal Procedure. The factual matrix is not in dispute. The sample of the drug in question was drawn on 10.04.2019 and was sent for analysis to the Government Analyst, who vide report dated 31.07.2019 declared the same to be “not of standard quality”. Thereafter, on the request of the manufacturer, the sample was sent for re-analysis to the Central Drugs Laboratory, Kolkata and the report dated 26.06.2020 also confirmed that the sample did not conform to the prescribed standards. However, the complaint came to be filed only on 16.05.2023, i.e. after a considerable lapse of time.

5. At this stage, it would be apposite to refer to the settled legal position governing the field. The Hon’ble Supreme Court in ***Chemnova India Limited and another versus State of Punjab and another, reported as (2021) 8 SCC 818***, has authoritatively held that the period of limitation in



such prosecutions would commence from the date of receipt of the report of the Government Analyst, which first discloses the commission of the alleged offence. It has been further held that the subsequent report of the Central Drugs Laboratory does not extend or shift the commencement of limitation. The Apex Court, in clear terms, observed that once the offence stands disclosed on the basis of the first report, the limitation must be reckoned from that date alone and a delayed complaint beyond the prescribed period is liable to be quashed. A Coordinate Bench of this Court in ***CRM-M-640-2021 titled Ajay Kumar and another versus State of Punjab, decided on 04.02.2026***, while relying upon the aforesaid judgment of the Hon'ble Supreme Court, has reiterated that the period of limitation under Sections 468 and 469 Cr.P.C. begins from the date on which the offence is first disclosed i.e. from the report of the Government Analyst and not from any subsequent or confirmatory report. In the said case also, where the complaint had been filed after an inordinate delay, the complaint and summoning order were set aside being barred by limitation.

6. Reverting to the facts of the present case, the Government Analyst report is dated 31.07.2019. The complaint filed on 16.05.2023 is clearly beyond the prescribed period of limitation of three years. There is nothing on record to indicate that the delay has been condoned by the learned trial Court by passing a reasoned order in exercise of powers under Section 473 Cr.P.C. Mere filing of an application would not suffice unless the Court, upon application of mind, records satisfaction that the delay deserves to be condoned in the interest of justice. It is also significant to note



that the impugned summoning order dated 03.06.2023 does not reflect any consideration of the issue of limitation. The order is conspicuously silent on this crucial aspect and does not indicate that the learned trial Court has applied its mind either to the question of limitation or to the material placed on record. The requirement of law is that before issuing process under Section 204 Cr.P.C., the Magistrate must be satisfied that sufficient grounds exist for proceeding against the accused. The said satisfaction must be reflected from the order itself. A mechanical order, bereft of reasons, cannot be sustained. Another important facet of the matter is the prejudice caused to the petitioners on account of the delay. The valuable right available to an accused under Section 25(4) of the Drugs and Cosmetics Act to seek re-testing of the sample is a substantive safeguard. In cases where the complaint is filed after the expiry of the shelf life of the drug, such right stands defeated, causing serious prejudice to the accused. In the present case, the inordinate delay in filing the complaint has clearly resulted in denial of such statutory right.

7. In view of the aforesaid discussion and the settled position of law laid down by the Hon'ble Supreme Court as well as by this Court, this Court is of the considered opinion that the complaint in question is *ex facie* barred by limitation and continuation of the criminal proceedings would amount to abuse of the process of law.

8. Accordingly, the present petition is allowed. The impugned summoning order dated 03.06.2023 as well as the complaint bearing No.



COMA 1781/2023 dated 16.05.2023 and all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

9. All pending applications, if any, also stand disposed of accordingly.

18.04.2026
Anu

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No