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

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CRM-M-55806-2024 (O&M)

Date of Decision: 27.01.2026

Inder Surekha

....Petitioners

Versus

State of Punjab

.....Respondents

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CRM-M-55810-2024 (O&M)

Parveen Gupta

....Petitioners

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Ms. Gagandeep Kaur, DAG, Punjab

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in both the petitions is for quashing of Complaint Case No.3533 dated 28.07.2017 under Rule 27(5) of Insecticides Rules, 1971, Annexure P-1, as well as summoning order dated 30.10.2018, Annexure P-2 and consequential proceedings arising therefrom.



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2. Learned counsel submits that the petitioners are Director and Godown Incharge of M/s Thakar Chemicals Ltd. and a Quality Control Officer has been appointed, who gave an undertaking by way of an affidavit dated 30.11.2013, Annexure P-4, that he shall be responsible for all acts and omissions of the company pertaining to quality control and manufacturing of pesticides, already stands prosecuted and against him the complaint is continuing. Thus, prayer made is that the same may be quashed against them. In this regard, reliance is placed upon CRM-M-45058-2024, titled as **Rajesh Aggarwal vs. State of Punjab**, dated 10.01.2025, wherein the complaint and summoning order were quashed against the Director, Godown Incharge and Sales Officer, by relying upon the judgment passed by Hon'ble the Supreme Court in **M/s Cheminova India Ltd. & Anr. vs. State of Punjab and Anr.** 2021(3) RCR (Criminal) 750. Relevant paras of the former judgment read thus:

“10. Similarly, in M/s. Cheminova India Ltd.'s case (supra), Hon'ble the Supreme Court held that when a company nominates a responsible person for compliance under the Act, other officials cannot be held vicariously liable.

11. Upon examining the complaint in the present case, it is evident that no specific allegations have been made against the petitioners demonstrating their involvement in the quality control process of the company. The complaint explicitly identifies Uday Kumar as the Manager Quality Control-cum-responsible person, who has already been proceeded against.

12. In light of the settled law and the facts of the case, the prosecution of the petitioners, who were concededly not responsible for quality control, would constitute an abuse of the process of law. The instant petitions are allowed and the complaint in question (Annexure P-1) along with all consequences proceedings arising therefrom including the



summoning order (Annexure P-2) are quashed qua the petitioners.”

3. Under similar circumstances, another complaint and summoning order stand quashed as against the present petitioners, vide order dated 20.08.2024, passed in CRM-M-42572-2022, titled as **Inder Surekha and another vs. State of Punjab**, relevant paras whereof read thus:

“9. In M/s Cheminova India Ltd. (ibid), the Hon'ble Supreme Court further clarified that when a Company has nominated a specific responsible person for quality control, it is unjustified to prosecute other office bearers, including the Managing Director, based on vague allegations of overall responsibility. It would be relevant to reproduce the observations and findings of the Hon'ble Supreme Court in M/s Cheminova India Ltd. (supra):

“19. Section 33 of the Act deals with ‘offences by companies’. A reading of Section 33(1) of the Act, makes it clear that whenever an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, or was responsible to the company for the conduct of the business of, the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. In the case on hand, it is not in dispute that on behalf of the 1st Appellant – Company, 2nd Appellant – Managing Director has furnished an undertaking dated 22.01.2013, indicating that Shri Madhukar R. Gite, Manager of the Company, has been nominated in the resolution passed by the Company on 28.12.2012 to be in charge of and responsible to the said Company, to maintain the quality of the pesticides manufactured by the said Company and he was authorized to exercise all such powers and to take all such steps, as may be necessary or expedient to prevent the commission of any offence under the Act. Filing of such undertaking with the respondent is not disputed. Even, at Para 5.10 in the counter affidavit filed before this Court, it is pleaded by the Respondents that by appointing persons responsible for affairs of the Company,



quality control, etc., 2nd Appellant – Managing Director cannot escape his liability from offences committed by 1st Appellant – Company. In view of the specific provision in the Act dealing with the offences by companies, which fixes the responsibility and the responsible person of the Company for conduct of its business, by making bald and vague allegations, 2nd Appellant – Managing Director cannot be prosecuted on vague allegation that he being the Managing Director of the 1st Appellant – Company, is overall responsible person for the conduct of the business of the Company and of quality control, etc. In the instant case, the Company has passed a resolution, fixing responsibility of one of the Managers namely Mr. Madhukar R Gite by way of a resolution and the same was furnished to the respondents by the 2nd Appellant in shape of an undertaking on 22.01.2013. When furnishing of such undertaking fixing the responsibility of the quality control of the products is not in dispute, there is no reason or justification for prosecuting the 2nd Appellant – Managing Director, on the vague and spacious plea that he was the Managing Director of the Company at the relevant time. A reading of Section 33 of the Act also makes it clear that only responsible person of the Company, as well as the Company alone shall be deemed to be guilty of the offence and shall be liable to be proceeded against.”

10. Adverting to the present case, a perusal of the complaint reveals that the petitioners Inder Surekha and Parveen Gupta, are being prosecuted merely for their roles as Director and Godown In-charge without any specific averments showing their involvement in the business of the Company or quality control. The complaint itself identifies Ranjit Singh as the officer responsible for quality control, a fact that is undisputed by the learned State counsel and also corroborated by the initial details of the complaint as well as para 16 of the complaint. The learned counsel for the petitioners has thus, rightly argued that since Ranjit Singh, who was directly responsible for quality control of the products being manufactured, was already being prosecuted, the petitioners cannot be held vicariously liable. Hence, in the light of the settled law, more so when it is a matter of record that the Quality Control Manager was in place before the raid in question,



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the present petition is allowed. Consequently, the complaint in question (Annexure P-1) along with all consequential proceedings arising therefrom including the summoning order (Annexure P-2) qua the petitioners Inder Surekha and Parveen Gupta are quashed.”

4. The factum that the petitioners, who are Director and Godown Incharge are not responsible for any quality control, which falls in the domain of the Quality Control Officer specifically appointed, could not be rebutted by learned counsel for the respondent, who was, even despite best efforts, not able to draw out any distinctive aspects in the aforementioned judgment or cite any contrary law, as such the present petitions are allowed and the Complaint Case No.3533 dated 28.07.2017, Annexure P-1, as well as summoning order dated 30.10.2018, Annexure P-2 are quashed qua the petitioners.

5. A copy of this order be placed on the other connected case file.

(AMAN CHAUDHARY)
JUDGE

January 27, 2026

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Whether speaking

: Yes/No

Whether reportable

: Yes/No