



CRM-M-42897-2022 (O&M)

-1-

142

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

--

**CRM-M-42897-2022 (O&M)
Date of Decision : 19.03.2026**

M/s Saraswati Agro Chemicals (India) Pvt. Ltd. and Others Petitioners

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Sankalp, Advocate for the petitioners.

Mr. Sahil Chowdhary, AAG Punjab.

--

MANDEEP PANNU J. (Oral)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of complaint No. COMA 47 of 2019 dated 08.05.2019 titled *State of Punjab through Agriculture Extension Officer, Dera Baba Nanak vs. M/s Zimidara Khad Store and others*, instituted under Sections 3(k)(i), 17 and 18 of the Insecticides Act, 1968, punishable under Sections 29 and 33 of the said Act read with Insecticides Rules, 1971, along with the summoning order dated 08.05.2019 passed by the learned Chief Judicial Magistrate, Batala, and all consequential proceedings arising therefrom.

2. It is contended on behalf of the petitioners that the impugned complaint is hopelessly barred by limitation. As per the allegations, the sample in question was taken on 24.12.2012 and the report of the Analyst was received on 28.12.2012 However, the complaint came to be filed only on 08.05.2019, i.e. far



CRM-M-42897-2022 (O&M)

-2-

beyond the prescribed period of limitation. It is submitted that under Section 29 of the Insecticides Act, the maximum punishment prescribed is two years, and therefore, in terms of Section 468 Cr.P.C., the limitation period for taking cognizance is three years. Further, as per Section 469 Cr.P.C., the period of limitation commences from the date of offence or from the date of knowledge, which in the present case would, at the latest, be the date of receipt of the Analyst's report. Even if the said date is taken into consideration, the complaint has been filed much beyond three years and no application for condonation of delay under Section 473 Cr.P.C. was moved.

3. It is contended on behalf of the State that the complaint cannot be said to be barred by limitation at this stage. It is submitted that after the sample was declared misbranded, the matter was processed for obtaining necessary sanction from the competent authority. The Insecticide Inspector had moved a request for sanction, which was ultimately granted on 27.03.2015 and received on 07.04.2015. However, before further steps could be taken, the concerned Insecticide Inspector expired on 29.11.2015, as a result of which the complaint could not be filed at that stage. Thereafter, the matter was taken up by the department, fresh sanction was obtained in the name of another competent officer on 30.04.2018, and after completing necessary procedural formalities, including legal opinion and vetting, the complaint was filed on 08.05.2019. It is thus submitted that the delay, if any, occurred due to administrative and procedural reasons beyond the control of the department and not on account of any deliberate lapse. It is further contended that the question of limitation involves factual aspects and requires proper appreciation at the appropriate stage and cannot be conclusively determined in proceedings under Section 482 Cr.P.C.



CRM-M-42897-2022 (O&M)

-3-

4. Having heard learned counsel for the parties and perused the record, this Court finds that the learned Judicial Magistrate First Class, Batala, while passing the impugned summoning order dated 08.05.2019, has not adverted to the aspect of limitation nor recorded any reasons with regard to the delay in filing of the complaint. The order appears to have been passed in a mechanical manner without due application of mind to the relevant provisions governing limitation and the material available on record.

5. Without expressing any opinion on the merits of the case or on the question whether the complaint is within limitation or otherwise, this Court deems it appropriate to set aside the impugned order dated 08.05.2019. The matter is remitted back to the learned Judicial Magistrate First Class, Batala, to consider the complaint afresh at the stage of summoning. The learned Magistrate shall examine the issue of limitation, along with other relevant aspects, in accordance with law and after considering the material on record, and shall pass a reasoned order in accordance with law.

6. Accordingly, the present petition is allowed in view of the above-said terms.

7. All pending miscellaneous application(s), if any, shall also stand disposed of.

March 19, 2026
tripti

(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No