



2026:PHHC:045876



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15834-2022 (O&M)
Reserved on:-19.03.2026
Pronounced on:- 24.03.2026
Uploaded on:- 24.03.2026

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

TARSEM MITTAL AND ANR

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Govind Chauhan, Advocate
for the petitioner.

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. 66 of 2018 dated 31.10.2018 titled *State vs. M/s Rehmat Kheti Sewa and others*, instituted under Sections 3(k)(1), 18, 29, and 33 Insecticides Act, 1968, punishable under Sections 29 and 33 of the said Act read with Section 27(5) of the Insecticides Rules, 1971, along with the summoning order dated 14.01.2019 passed by the learned Chief Judicial Magistrate, Kapurthala, 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 11.06.2015 and the report of the Analyst was received on 22.06.2015. However, the complaint came to be filed only on 31.10.2018, i.e. far 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 further contended that no sanction was obtained by the prosecution against the petitioner, the same is against dealer-M/s Rehmat Kheti Sewa Center, whereas the present petitioner is the manufacturer.

4. On the other hand, learned State counsel has contended 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 by the competent authority on 18.06.2018 and received on 20.06.2018. 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.

5. Having heard learned counsel for the parties and perused the record, this Court finds that the learned Chief Judicial Magistrate, Kapurthala, while passing the impugned summoning order dated 14.01.2019, 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 sanction from the material available on record.

6. 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 14.01.2019. The matter is remitted back to the learned Chief Judicial Magistrate, Kapurthala, to consider the complaint afresh at the stage of summoning. The learned Magistrate shall examine the issue of limitation, along with other relevant aspects, and after considering the material on record, pass a reasoned order in accordance with law.

7. Accordingly, the present petition is disposed of in the aforesaid terms.

8. All pending miscellaneous application(s), if any, stands disposed of.

24.03.2026

Poonam Negi

**(MANDEEP PANNU)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*