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

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CRM-M-64003-2023 (O&M)
Date of decision: 25.09.2025

SATWINDER SINGH ...Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER ...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Rajan Singh Dadwal, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G. Punjab.

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VINOD S. BHARDWAJ, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for seeking quashing of FIR No. 89 dated 23.05.1999 registered under Section 15 of the Indian Medical Council Act, 1956 and Section 26 of the Drugs and Cosmetics Act, 1940 at Police Station Jagraon, District Ludhiana (Annexure P-1) together with all consequential proceedings arising therefrom qua the petitioner.

2. The present FIR has been registered against the petitioner along with thirty-four other individuals on the basis of a communication addressed by the Civil Surgeon, Ludhiana to the Senior Superintendent of Police, Ludhiana. The said communication was issued pursuant to the directions passed by this Hon'ble Court in *C.W.P. No. 1696 of 1997*, pertaining to the matter of unregistered doctors practicing within the

States of Punjab, Haryana, and the Union Territory of Chandigarh. Pursuant thereto, the instant FIR came to be registered under Section 15 of the Indian Medical Council Act, 1956, and Section 26 of the Drugs and Cosmetics Act, 1940, at Police Station Jagraon, District Ludhiana.

3. Counsel for the petitioner contends that, till date, no *challan* has been presented by the investigating agency in connection with the present FIR, which, in itself, fortifies the inference that no incriminating material has been gathered against the petitioner in respect of the offences alleged therein. It is further observed that despite the lapse of more than twenty-four years since the registration of the FIR, the investigating agency has failed to file the *challan*. Such inaction on the part of the prosecution is a clear infraction of the petitioner's fundamental right guaranteed under Article 21 of the Constitution of India, which encompasses within its ambit the right to a speedy trial and the right to fair and timely justice.

4. Learned counsel appearing on behalf of the petitioner contends that the petitioner intends to travel abroad; however, the Ministry of External Affairs has declined to process his application for issuance of a passport owing to the pendency of the present FIR. It is submitted that the impugned FIR along with all consequential proceedings arising therefrom, is liable to be quashed as the same constitutes a sheer abuse of the process of law. It is further argued that the petitioner has been falsely

implicated in the present case without any material to substantiate the allegations made against him.

5. Per contra, learned counsel appearing on behalf of the respondent has submitted that the contention of the petitioner regarding non-filing of the *challan* is misplaced, inasmuch as the *challan* in the present case already stands filed in the year 2024. It is thus submitted that the investigation has culminated in the filing of the final report, and therefore, the prayer for quashing of the FIR on the ground of delay or inaction by the investigating agency does not merit consideration.

6. Learned counsel appearing on behalf of the petitioner rebuts the submission made by the learned state counsel and submits that filing of the challan in 2024, after an inordinate delay of 25 years, would not cure the violation of the petitioner's fundamental right to a speedy trial guaranteed under Article 21 of the Constitution of India. It is argued that the filing of the *challan* after an inordinate delay of twenty-five years, coupled with the fact that charges have not yet been framed, amounts to a gross infraction of the petitioner's constitutional rights and renders the continuation of the proceedings wholly unjustified.

7. Reliance has been placed on the judgment of the Hon'ble Supreme Court in ***Hussainara Khatoon & Ors. v. Home Secretary, State of Bihar, (1980) 1 SCC 81***, wherein it was held that a speedy trial is of the essence of the administration of criminal justice and is implicit in the

broad sweep of Article 21 of the Constitution. It was observed that if a person is deprived of his liberty under a procedure that is not "reasonable, fair and just," such deprivation would be violative of Article 21, entitling the aggrieved person to enforce his fundamental right and seek relief. The Court further emphasized that a "speedy trial" is an integral and essential component of the right to life and personal liberty enshrined in Article 21. Reliance is also placed upon the judgment of the Hon'ble Supreme Court in ***Abdul Rehman Antulay & Ors. v. R.S. Nayak & Anr.*, (1992) 1 SCC 225,** wherein it was held that every citizen has a right to a speedy trial in criminal proceedings and that this right extends not only to the trial before the court but also to the preceding stages of police investigation. It was reiterated that the right to a speedy trial is an inalienable facet of Article 21 and applies to all categories of criminal prosecutions. The Court, while delineating the outlines of this right, observed that the determination of its violation must be made by balancing the attendant circumstances of each case.

8. Learned counsel for the petitioner further contends that, in view of the bar imposed under Section 468 of the Code of Criminal Procedure, 1973, the cognizance of offences alleged in the present FIR is legally untenable. It is submitted that none of the offences in question are punishable with imprisonment exceeding one year, and therefore, the limitation period for taking cognizance was confined to one year from the

date of the alleged offence. Consequently, any cognizance sought to be taken after the expiry of the said limitation period stands barred by law. In the instant case, the FIR was registered on 23.05.1999, and as per Section 469 Cr.P.C., the period of limitation commences from the date of the offence. The prolonged inaction of the investigating agency, culminating in the belated filing of the challan after twenty-five years, cannot revive the limitation period nor vest the Court with jurisdiction to take cognizance. Reliance has been placed on the judgment of this Hon'ble Court in ***Hakam Singh & Ors. v. State of Punjab*, 1987 Cri. L.J. 1332,** wherein it was held that the Court is prohibited from taking cognizance of an offence after the expiry of the limitation period prescribed under Section 468 Cr.P.C., unless such delay is condoned upon sufficient cause being shown. The bar under Section 468 operates against the Court and not against the investigating agency; hence, even if the investigation continues, the Court remains precluded from taking cognizance beyond the prescribed limitation period. Further reliance has been placed on the judgment of the Hon'ble Supreme Court in ***Mrs. Sarah Mathew v. The Institute of Cardio Vascular Diseases*, (2014) 1 R.C.R. (Criminal) 590**, wherein it was held that, for the purpose of computing the limitation under Section 468 Cr.P.C., the relevant date is the date of filing of the complaint or institution of the prosecution, and not the date on which the Magistrate takes cognizance. Applying this principle to the present case, the date of institution of prosecution being 23.05.1999 i.e. the date of registration of

the FIR, it is evident that the limitation period for cognizance has long expired.

9. To sum up his arguments, the learned counsel has placed reliance upon the judgment of the Hon'ble Supreme Court in ***State of Haryana & Ors. v. Bhajan Lal & Ors.*****, 1991 (1) R.C.R. (Criminal) 383**, wherein categories were laid down delineating circumstances under which the High Court may exercise its inherent jurisdiction under Section 482 Cr.P.C. to prevent abuse of the process of law and to secure the ends of justice. It is contended that the present case squarely falls within those parameters, warranting the quashing of the FIR and all consequential proceedings thereto.

10. I have heard the learned counsel appearing for the parties and have also gone through the documents appended with the present petition.

11. At the outset, a specific query is posed to the learned counsel appearing on behalf of the respondent-State as to the reasons occasioning the inordinate delay of twenty-five years in the filing of the *challan* subsequent to the registration of the present FIR. The learned counsel, however, was unable to furnish any satisfactory explanation for the said delay. It would be apposite, at this stage, to refer to the relevant provision that are involved in the present case:

INDIAN MEDICAL COUNCIL ACT, 1956

Section 15 - Right of persons possessing qualifications in the schedules to be enrolled.

1. Subject to the other provisions contained in this Act, the medical qualifications included in the Schedules shall be sufficient qualification for enrolment on any State Medical Register.

2. Save as provided in section 25, no person other than a medical practitioner enrolled on a State Medical Register:-

a. shall hold office as physician or surgeon or any other office (by whatever designation called) in Government or in any institution maintained by a local or other authority;

b. shall practice medicine in any State;

c. shall be entitled to sign or authenticate a medical or fitness certificate or any other certificate required by any law to be signed or authenticated by a duly qualified medical practitioner:

d. shall be entitled to give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872 on any matter relating to medicine.

3. Any person who acts in contravention of any provision of sub-section (2) shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both;

DRUGS & COSMETICS ACT, 1940

Section 26 - Purchaser of drug or cosmetic enabled to obtain test or analysis.—*Any person [or any recognised consumer association, whether such person is a member of that association or not,] shall, on application in the prescribed manner and on payment of the prescribed fee, be entitled to submit for test or analysis to a Government Analyst any drug [or cosmetic] purchased by him [or it] and to receive a report of such test or analysis signed by the Government Analyst.*

26A. Powers of Central Government to [regulate, restrict or prohibit] manufacture, etc., of drug and cosmetic in public interest.—*Without prejudice to any other provision contained in this Chapter, if the Central Government is satisfied, that the use of any drug or cosmetic is likely to involve any risk to human beings or animals or that any drug does not have the therapeutic value claimed or purported to be claimed for it or contains ingredients and in such quantity for which there is no therapeutic justification and that in the public interest it is necessary or expedient so to do, then, that Government may, by notification in the Official Gazette, [regulate, restrict or prohibit] the manufacture, sale or distribution of such drug or cosmetic.*

26B. Power of Central Government to regulate or restrict, manufacture, etc., of drug in public interest. *—Without prejudice to any other provision contained in this Chapter, if the Central Government is satisfied that a drug is essential to meet the requirements of an*

emergency arising due to epidemic or natural calamities and that in the public interest, it is necessary or expedient so to do, then, that Government may, by notification in the Official Gazette, regulate or restrict the manufacture, sale or distribution of such drug.

THE CODE OF CRIMINAL PROCEDURE, 1973

Section 468. Bar to taking cognizance after lapse of the period of limitation.—*(1) Except as otherwise provided elsewhere in this Code, no Court shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation.*

(2) The period of limitation shall be—

(a) six months, if the offence is punishable with fine only;

(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;

(c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.

(3) For the purposes of this section, the period of limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment.

> ***Section 469. Commencement of the period of limitation.—***
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> *(1) The period of limitation, in relation to an offender, shall commence,—*
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> *(a) on the date of the offence; or*
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> *(b) where the commission of the offence was not known to the person aggrieved by the offence or to any police officer, the first day on which such offence comes to the knowledge of such person or to any police officer, whichever is earlier; or*
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> *(c) where it is not known by whom the offence was committed, the first day on which the identity of the offender is known to the person aggrieved by the offence or to the police officer making investigation into the offence, whichever is earlier.*
>
> *(2) In computing the said period, the day from which such period is to be computed shall be excluded.*

12. It is evident from a perusal of the above that in so far as the Indian Medical Council Act, 1956 is concerned, Section 15 (3) thereof provides for a punishment of upto one year imprisonment and Section 26 of the Drugs & Cosmetics Act, 1940 is only an enabling provision to submit a drug for test or analysis and is not a punishing section.

13. Even though there is no other change, however, Section 13 defines punishment for offences to a period upto 03 years. There is no allegation of the petitioner manufacturing spurious or adulterated drugs,

hence, seemingly offence under Section 26 of the Drugs & Cosmetics Act, 1940 has been wrongly mentioned. In either case, the sentence does not go beyond the prohibition prescribed under Section 468 Cr. P.C.

14. A Court is prohibited from taking cognizance of the offences punishable upto three years, beyond a period of three years. Since, the charge has not been framed even till 2024 i.e. after 25 years of registration of FIR, due to non-filing of final report for more than 24 years, the law would prohibit a Court from taking cognizance now. The proceeding being barred by limitation prescribed in law, deserve to be quashed on this score alone.

15. Even though the bar under Section 468 Cr. P.C. is not an absolute bar and the same is subject to the provision of Section 473 Cr. P.C., however, the same would require a satisfactory explanation for the 24 years of investigation. State has failed to assign any valid cause for such delay.

16. The statutory duty is cast upon the State not to take cognizance of the offences of the categories specified in sub section (2), after lapse of the period of limitation.

17. The said period of limitation is intended to ensure speedy and time bound completion of investigation in specified minor offences and to obliviate protracted agony of criminal investigation. Similar principles are recognized as part of Article 21 of the Constitution of India.

18. It is well settled that the High Court would continue to have the jurisdiction to entertain and adjudicate a petition filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing an FIR, even in circumstances where the police have filed a charge-sheet during the pendency of such a petition. This principle is well established by the Hon'ble Supreme Court in ***Anand Kumar Mohatta v. State (NCT of Delhi)*, (2019) 11 SCC 706** and requires no further elaboration by this Court. However, in the instant case, the investigation was unduly prolonged for over twenty-five years and appears to have been concluded only subsequent to the filing of the present writ petition by the petitioner.

19. In the present case, it is abundantly clear that the investigation has been allowed to remain pending for a period exceeding twenty-five years, culminating in the filing of the charge-sheet only at this belated stage and the charges are yet not framed, thereby prolonging the uncertainty and jeopardy faced by the petitioner. It is evident from the facts on record that the petitioner cannot, in any manner, be held responsible for the extraordinary delay in the investigation. The protracted course of proceedings, which has spanned over two and a half decades, is entirely attributable to the investigative and prosecutorial authorities. In my considered view, the respondent-State has utterly failed to furnish any satisfactory explanation or justification for the undue delay in filing the charge-sheet and in bringing the investigation to its logical conclusion. Such delay, in the absence of any reasonable cause, constitutes not only an

infringement of the petitioner's fundamental right to a speedy trial under Article 21 of the Constitution of India but also amounts to a gross misuse and abuse of the legal process. The persistence of proceedings in such circumstances would result in injustice and oppression to the petitioner, defeating the very purpose of criminal jurisprudence, which is founded upon fairness, reasonableness, and timely administration of justice.

20. In **Sarah Mathew v. Institute of Cardio Vascular Diseases, (2014) 2 SCC 62,** Hon'ble Supreme Court has delineated the object and rationale underlying the bar of limitation as prescribed under Chapter XXXVI of the Code of Criminal Procedure, 1973 and held as follows:

> *24. Read in the background of the Law Commission's Report and the Report of the JPC, it is clear that the object of Chapter XXXVI inserted in the Criminal Procedure Code was to quicken the prosecution of complaints and to rid the criminal justice system of inconsequential cases displaying extreme lethargy, inertia or indolence. The effort was to make the criminal justice system more orderly, efficient and just by providing period of limitation for certain offences. In Sarwan Singh [State of Punjab v. Sarwan Singh, (1981) 3 SCC 34 : 1981 SCC (Cri) 625 : AIR 1981 SC 1054] , this Court stated the object of the Criminal Procedure Code in putting a bar of limitation as follows : (SCC p. 36, para 3)*
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> > *"3. ... The object of the Criminal Procedure Code in putting a bar of limitation on prosecutions was clearly to prevent the parties from filing cases after a long time, as a result of which material evidence may disappear and also to prevent abuse of the process of the court by filing vexatious and belated*

> *prosecutions long after the date of the offence. The object which the statutes seek to subserve is clearly in consonance with the concept of fairness of trial as enshrined in Article 21 of the Constitution of India. It is, therefore, of the utmost importance that any prosecution, whether by the State or a private complainant must abide by the letter of law or take the risk of the prosecution failing on the ground of limitation."*
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> *(emphasis supplied)*

21. The Hon'ble Apex Court, in ***Pankaj Kumar v. State of Maharashtra,*** **(2008) 16 SCC 117,** quashed the criminal proceedings on account of "unwarranted prolonged investigations" which had resulted in an inordinate delay, holding that such undue protraction of the investigative process constitutes a ground for exercising the inherent jurisdiction of the Court to prevent abuse of the process of law and to secure the ends of justice. The court held as under:

> *24. Tested on the touchstone of the broad principles, enumerated above, we are of the opinion that in the instant case, the appellant's constitutional right recognised under Article 21 of the Constitution stands violated. It is common ground that the first information report was recorded on 12-5-1987 for the offences allegedly committed in the year 1981, and after unwarranted prolonged investigations, involving aforestated three financial irregularities; the charge-sheet was submitted in court on 22-2-1991. Nothing happened till April 1999, when the appellant and his deceased mother filed criminal writ petition seeking quashing of proceedings before the trial court.*

25. Though, it is true that the plea with regard to inordinate delay in investigations and trial has been raised before us for the first time but we feel that at this distant point of time, it would be unfair to the appellant to remit the matter back to the High Court for examining the said plea of the appellant. Apart from the fact that it would further protract the already delayed trial, no fruitful purpose would be served as learned counsel for the State very fairly stated before us that he had no explanation to offer for the delay in investigations and the reason why the trial did not commence for eight long years. Nothing, whatsoever, could be pointed out, far from being established, to show that the delay was in any way attributable to the appellant.

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27. Be that as it may, the prosecution has failed to show any exceptional circumstance, which could possibly be taken into consideration for condoning the prolongation of investigation and the trial. The lackadaisical manner of investigation spread over a period of four years in a case of this type and inordinate delay of over eight years (excluding the period when the record of the trial court was in the High Court), is manifestly clear.

28. Thus, on facts in hand, we are convinced that the appellant has been denied his valuable constitutional right to a speedy investigation and trial and, therefore, criminal proceedings initiated against him in the year 1987 and pending in the Court of the Special Judge, Latur, deserve to be quashed on this short ground alone.

(emphasis supplied)

22. For the reasons discussed hereinabove, FIR No. 89 dated 23.05.1999, registered under Section 15 of the Indian Medical Council Act, 1956 and Section 26 of the Drugs and Cosmetics Act, 1940, at Police Station Jagraon, District Ludhiana, is hereby quashed on the ground of inordinate and unexplained delay in the conduct of the investigation and in filing of the charge-sheet and the statutory bar under Section 468 Cr. P.C. (now Section 514 of BNSS, 2023).

23. Since the FIR is being quashed on the aforesaid procedural and constitutional grounds, this Court does not find it necessary to express any opinion on the merits or demerits of the allegations contained in the FIR. The quashing is, therefore, confined strictly to the grounds of delay and abuse of process, without prejudice to any other legal considerations.

24. In view of the foregoing, the writ petition is, accordingly, allowed, and all consequential proceedings arising therefrom shall stand quashed.

Disposed of, accordingly.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 25, 2025
Vishal Sharma

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