



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35371 of 2024

Date of Decision: 19.09.2025

Manoj Kumar D. Patel and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Argued By:-Mr. Rakesh Verma, Advocate with
Mr. Manish Verma, Advocate for
the petitioners.

Mr. Gorav Kathuria, DAG, Punjab.

Yashvir Singh Rathor, J.

By way of this petition filed under Section 482 of the Code of Criminal Procedure, prayer has been made to quash Complaint Case No.257 dated 01.04.2015 titled as “*State vs M/s Modern Khetibari & Beej Store and others*” under Sections 3(k)(i), 17, 18, 29, 33 of the Insecticides Act, 1968 (hereinafter referred as 'the Act') read with the Insecticides Rules, 1971, pending for adjudication in the Court of learned Chief Judicial Magistrate, Jalandhar (Annexure P-1), apart from the summoning order dated 22.12.2016 (Annexure P-2) and all the consequential proceedings arising therefrom qua the petitioners.

2. As it emerges on perusal of the paper book, on 11.12.2012, Insecticide Inspector, Bhogpur, District Jalandhar, visited the shop of M/s Modern Khetibari & Beej Store, Bhogpur, District Jalandhar and after making necessary statutory compliances, drew sample of insecticide *Clodinofof Propargyl 15% WP*, Batch No.MF-10907-CL, with manufacturing date as 07.10.2011 and expiry date



as 06.10.2013., manufactured by M/s Makhteshim Agan India Pvt. Ltd., (now known as M/s Adama India Pvt. Ltd., Hyderabad. Out of three representative samples collected by the Insecticide Inspector, one sample was sent to the Senior Analyst, Insecticide Testing Laboratory, Bathinda on 13.12.2012. The report of the Analyst, Insecticide Testing Laboratory, Bathinda (dated 26.12.2012) was received, as per which sample was declared misbranded as it did not conform to IS specifications as it contained 13.20% WP of active ingredients as against 15% WP which was registered as per norms. Against the show cause notice sent to the accused i.e. the manufacturing company, reply was filed by it on 12.01.2013 with a request to send the referral part of the sample to the Central Insecticide Laboratory, Faridabad, so as to controvert the report of Public Analyst. Thereafter, the second sample was sent to the Central Insecticide Laboratory, Faridabad on 14.05.2013 and the actual analysis was done on 23.05.2013 as per test report Annexure P-4 according to which active ingredient of *Clodinofof Propargyl* was found to be 11.46% WP instead of 15% WP and it was found to be misbranded. After obtaining necessary sanction from the competent authority, the prosecution was launched in the Court of learned Chief Judicial Magistrate, Jalandhar, on 01.04.2015.

3. On 22.12.2016, learned Chief Judicial Magistrate, Jalandhar summoned the accused to face the trial.

4. Learned counsel for the petitioner contended that retesting of the sample was requested under Section 24(3) of the Act on 12.01.2013 as admitted in the complaint itself but the same was sent to the Central Insecticide Laboratory, Faridabad by complainant on 14.05.2013. The sample was reanalysed by the



Central Insecticide Laboratory on 23.05.2013 i.e. after a period of 131 days, which is gross violation of the mandatory provisions of Section 24(3) of the Act, as said part of the sample was required to be tested within 30 days. It is contended that it is because of this delay in re-analysis of the sample that active ingredient was found to be 11.46% against 13.20% WP found by the State Public Analyst. It has happened only due to huge delay of 131 days thereby causing gross prejudice to the petitioner. It is also urged that learned Trial Court has passed a non-speaking order without any application of mind, while issuing process against the petitioner.

5. Refuting the aforesaid contention, it is contended by the learned State counsel on behalf of the respondent that the sample was received in the Central Insecticide Laboratory, Faridabad with its seals intact and the said sample was re-analyzed on 23.05.2013 & therefore, mere delay in analyzing of sample cannot be a reason for quashing of the complaint.

6. I have considered the submissions made on behalf of the parties and have also perused the record carefully.

7. The relevant part of Section 24 of the Insecticide Act, 1968 reads as under:-

1) xxxx

(2) xxxx

(3) xxxx

(4) *Unless the sample has already been tested or analysed in the Central Insecticides Laboratory, where a person has under subsection (3) notified his intention of adducing evidence in controversion of the Insecticide Analyst's report, the Court may, of its own motion or in its discretion at the request either of the complainant or of the accused, cause the sample of the insecticide produced before the Magistrate under sub-section (6) of section 22 to be sent for test or*



analysis to the said laboratory, which shall, within a period of thirty days, make the test or analysis and report in writing signed by, or under the authority of, the Director or the Central Insecticides Laboratory the result thereof, and such report shall be conclusive evidence of the facts stated therein.

(5) xxxx ”

8. It is evident from the aforesaid provision that re-testing of second sample at the Central Insecticide Laboratory, has to be done within a period of 30 days and then report has to be prepared in writing under the authority of the Director of Central Insecticide Laboratory, which is a conclusive proof of the facts stated therein.

9. In the present case, factual position is not in dispute that the petitioner accused requested for sending the second part of the sample for re-analysis by the Central Insecticide Laboratory, Faridabad on 12.01.2013. The sample was received in the said Laboratory on 14.05.2013 after a gap of more than four months, with no justification for this delay. Thereafter, the actual analysis was done on 23.05.2017 i.e. after a gap of 131 days. The report of the Central Insecticide Laboratory, Faridabad reveals that active ingredient was found to be 11.45% WP as against norms of 15% WP which was found to be 13.20% WP when sample was analysed by State Analyst.

10. A co-ordinate Bench of this Court while deciding CRM-M-41152 of 2018 vide judgment dated 16.01.2023 in case titled **Sohan Singh Vs. State of Punjab**, in similar circumstances, quashed the complaint instituted by Insecticide Inspector wherein also the second sample was not re-analysed within a period of 30 days and there was non-compliance of Section 24(6) of Insecticides Act, 1968. It was



held that if the sample is not re-analysed within the specified period, no charges could be maintained and while holding so, reliance was placed upon a judgment of Patna High Court in Law Finder Doc Id # 693742 - ***“Dow Agro Sciences India Private Limited and another vs State of Bihar and another”***. The afore-said decision squarely covers the case of the petitioner and as already discussed above, petitioner- Company had filed reply to the show cause notice on 12.01.2013 and requested the complainant to send the second sample to the Central Insecticide Laboratory at Faridabad but there was non-compliance on the part of the complainant and the sample was sent to the laboratory on 14.05.2013 and it was re-analysed on 23.05.2017 after a delay of 131 days and the sample was found to be not conforming to the prescribed standards but the petitioner cannot be held at fault on account of lapse committed by the complainant as there was violation of Section 24(6) of the Insecticides Act resulting in deterioration of sample.

11. In these circumstances, complaint in question (Annexure P1), the impugned summoning order (Annexure P2) and all the consequential proceedings arising therefrom are hereby quashed.

(Yashvir Singh Rathor)
Judge

September 19, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No