
(2007) 11 P&H CK 0049

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 45213-M of 2007

K.C.S. Bhati and Another

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 30-11-2007

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Insecticides Act, 1968 — Section 17, 18, 29, 3(k)

Citation : (2008) 1 RCR(Criminal) 824

Hon'ble Judges : Nawab Singh, J

Bench : Single Bench

Advocate : Rakesh Verma, for the Appellant; S.S. Goripuria, DAG, Haryana, for the Respondent

Judgement

Nawab Singh, J.—By this petition u/s 482 of Code of Criminal Procedure, the Petitioners seek quashing of complaint titled State of Haryana v. Nicel Laboratories Private Limited and other(Annexure P-1) and the order dated March 1, 2005 (Annexure P-2) passed by Chief Judicial Magistrate, Ambala whereby the Petitioners were summoned to face trial u/s 29 of Insecticides Act, 1968 and rules thereunder for violation of Sections 3(k), 17 and 18 of Insecticides Act.

2. Grounds on which the quashing has been sought are that the Petitioners are manufacturers of Endosulfon Insecticide. A sample of Endosulfon Insecticide was taken by the Quality Control Inspector, Department of Agriculture, Ambala from the shop of M/s. Zamindara Sewa Kender, Adhoya Road, Barara on August 21, 2004. The same was sent to Director, Central Insecticides Laboratory, Faridabad. The report of Director, Central Insecticides Laboratory, Faridabad has been placed on record by the State. The same has been perused. It has been found that the sample conforms to the relevant specification in the tests conducted, that is, 35 per cent E.C.

3. State counsel has fairly conceded that in view of the report submitted, the complaint (Annexure P-1) cannot proceed against the Petitioners.

4. Above being the position, the complaint (Annexure P-1) and the order dated March 1, 2005 (Annexure P-2) passed by Chief Judicial Magistrate, Ambala are hereby quashed.