

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.3832 OF 2026
(Arising out of S.L.P.(Criminal) No.1696 of 2026)

GAURAV AIREN & ORS.

... APPELLANT(S)

VS.

THE STATE OF MADHYA PRADESH

... RESPONDENT(S)

O R D E R

1. Leave granted.

2. Heard Mr. Raghvendra Dixit, learned counsel appearing for the appellants and Mr. Yashraj Singh Bundela, learned counsel appearing for the respondent-State.

3. The present appeal calls in question the correctness of the judgment and order dated 16th December, 2025 passed by the High Court of Madhya Pradesh, Bench at Gwalior in Miscellaneous Criminal Case No.49589 of 2024. By the said order, the High Court dismissed the petition filed under Section 482 of the Code of Criminal Procedure, 1973 by the appellants challenging the order dated 21st August, 2023 passed by the Chief Judicial Magistrate, Morena, Madhya Pradesh by which cognizance was taken against the appellants.

4. The appellants are the Directors of a company, by name, M/s. IVES Drugs (India) Private Limited situated at Ghatabillod, District Dhar, Madhya Pradesh. The company manufactures a drug by name Sodium Lactate Injection. On a complaint by the Civil Surgeon-cum-Chief Hospital Superintendent, District Hospital, Morena, to the Drug Inspector, Morena, sample of the drug bearing Batch No.10311 was sent to the Central Drug Testing Laboratory, Calcutta. It appears that the Central Drug Testing Laboratory, Calcutta analyzed the drug and found that the drug was not of standard quality. According to the appellants, the test report was sent after a period of 107 days which was against the mandatory provision under Rule 45 of the Drugs and Cosmetics Rules, 1945 which mandates a 60 days timeline. The appellants contended that this vitiated the prosecution.

5. A complaint was filed by the Drug Inspector against the appellants without arraying the company as a party for the offences punishable under Sections 18(a)(1) and 27(d) of the Drugs and Cosmetics Act, 1940 (for short, "the 1940 Act"). The cognizance was taken on 21st August, 2023 resulting in the quash petition being filed. Manifold contentions were raised by the appellants.

6. Primarily, it was contented that the company has not been made a party and in the absence of the company, a complaint was not maintainable. It was further contended that there was no averment in the complaint to fulfill the ingredients of Section 34 and to attract the ingredients of Section 18 and 27 of the 1940 Act.

7. As stated earlier, it was also alleged that timelines were violated in sending the result of the test report.

8. From perusal of the impugned order, we notice that after setting out the contentions and the authorities cited in detail, there is no discussion or analysis on two of the three contentions set out herein above. The High Court got over the contention of the non-impleadment of the company by directing the Trial Court to in-turn communicate with the concerned Drug Inspector and join the company as a party respondent. The High Court ought to have decided whether the non-joining of the company was fatal for the complainant or not. Instead at the post cognizance stage, it directed the impleadment of the company. Secondly, the aspect of the timelines being violated in furnishing the test report has not been discussed.

9. Insofar as the aspect dealing with the necessary averments in the complaint, though the High Court referred to all the precedents that were cited by the appellants, there is no effort made in the judgment to apply the judgment to the facts or to distinguish the same. We are of the opinion that the matter requires to be remitted back to the High Court for a fresh consideration.

10. We have not expressed any opinion on the merits of the case. We have also not expressed any opinion on the correctness of the procedure adopted by the High Court in directing joining of the company at the post cognizance stage. The High Court may take a fresh call on the same. Since the appellants have placed their case on more than one count, we are left with no other option but to remand the matter to the High Court for a fresh consideration of Section 482 petition.

11. For the reasons stated above, we set aside the impugned order dated 16th December, 2025 passed by the High Court in Miscellaneous Criminal Case No.49589 of 2024. The consequence will be that Miscellaneous Criminal Case No.49589 of 2024 will stand restored to the file of the High Court of Madhya Pradesh, Bench at Gwalior for a fresh consideration in accordance with law.

12. The appeal is disposed of in the above terms.

13. On 2nd February, 2026, this Court had stayed the proceedings in Case No.1717 of 2023 pending before the Chief Judicial Magistrate, Morena, Madhya Pradesh. We continue the said order for a period of four weeks from today. The appellants are at liberty to move the High Court for further interim orders.

14. Considering the nature of the matter, we request the High Court to make an endeavour to dispose of the matter as expeditiously as possible.

.....J.
(K.V.VISWANATHAN)

.....J.
(ARUN PALLI)

NEW DELHI;
August 11, 2026

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 1696/2026

[Arising out of impugned final judgment and order dated 16-12-2025 in MCRC No. 49589/2024 passed by the High Court of Madhya Pradesh at Gwalior]

GAURAV AIREN & ORS.

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

(IA No. 30377/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 30379/2026 - EXEMPTION FROM FILING O.T.)

Date : 11-08-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) :

Mr. Raghvendra Dixit, Adv.
Mr. Abhinav Agnihotri, Adv.
Mr. Sahil Gupta, Adv.
Mr. Prativa Prakash Janapriya Nayak, AOR
Mr. Harshit Arun, Adv.
Mr. Rishabh Yadav, Adv.

For Respondent(s) :

Mr. Yashraj Singh Bundela, AOR
Mrs. Pratima Singh, Adv.
Mr. Arpit Garg, Adv.
Ms. Shrinidhi Gupta, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is disposed of in terms of the signed order.
3. Pending applications shall also stand disposed of.

(ANITA MALHOTRA)
DEPUTY REGISTRAR

(MANOJ KUMAR)
COURT MASTER

(Signed order is placed on the file.)