



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 17562 of 2026

AND

CRL MP NO. 11719 OF 2026,CRL MP NO. 11720 OF 2026

Ibrahim
S/o. Sheik Thavooth,
Anthoniyar Kovil Street,
Anna Nagar, Airport,
Trichy.

..Petitioner(s)

Vs

The State Rep.by, Inspector of Police,
Perambalur Police Station,
Perambalur District.

..Respondent(s)

PRAYER

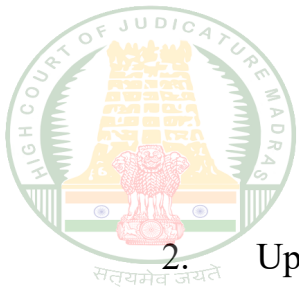
Criminal Original Petition filed under Sec.528 of B.N.S.S. 2023, praying to call for records pertaining to the Charge Sheet in STC.No.122/2026 on the file of the Judicial Magistrate -I,Perambalur and quash the same.

For Petitioner(s): Mr.A.Jahan
for Mr.Sujith.G

For Respondent(s): Mr.M.Mohamed Riyaz
Government Advocate (Criminal Side)

ORDER

1. This Criminal Original Petition is filed praying to quash the Charge Sheet in STC.No.122/2026 on the file of the Judicial Magistrate -I,Perambalur.



2. Upon perusal of final report, upon finding of the accused persons mentioned in the final report being present in a place and playing cards by giving token and keeping money as a bet, the case is registered in Crime No.25 of 2024 and after completion of the investigation, the final report is filed for the alleged offences under Section 8 and 9 of the Tamil Nadu Gaming Act, 1930. The petitioner is arrayed as accused No.13.

3. The learned counsel for the petitioner placing strong reliance of the judgement of this Court in *Pandiyarajan and others vs. State and others (2021 1 MLJ (Crl.) 578)* would submit that for a prosecution under Section 8 and 9 of the Gaming act, it is essential for the prosecution to allege a component for gaming house being run for some charges and in this case, there is absolutely no such allegation. Neither the club owner nor any other person incharge is made as an accused. Therefore, the offence against the petitioner is not made out. Hence, the learned counsel would seek this Court to quash the proceedings.

4. I have also heard the learned Government Advocate (Criminal Side). When the petitioner and the other persons forgetting about their family and are playing cards by keeping money, the police is only doing good for the family by inspecting the place and booking them for the offences committed. If the prosecution of the person incharge of the club is necessary, this Court would only



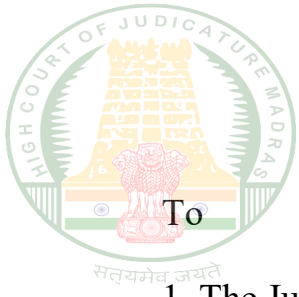
order for further investigation to include the persons incharge of the clubs and also bring on record such allegations relating to the profit if any made by the club.

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In that view of the matter, the case itself need not be quashed and the power to quash proceeding under Section 482 of Cr.P.C. should not be exercised at the pleading of technical grounds by the learned counsel for the petitioner. It has to be exercised by considering the social repercussions of the exercise of power. When the petitioners are all belonging to middle class and lower middle class family forgetting their families and playing cards in the middle of the night, the police had rightly registered the case and filed the final report. However considering the legal requirements and the subsequent conduct of the petitioner in filing an affidavit before this Court that he will not henceforth participate in any play or in any gaming keeping money as a bet, I am of the view that considering the nature of the offence and that several accused are involved in the case and especially recording the undertaking given by the petitioner before this Court, this Criminal Original Petition can be allowed in as much as the petitioner is concerned. In view thereof, the proceedings in STC. No.122 of 2026 shall stand quashed in as much as the petitioner is concerned and this Criminal Original Petition stands accordingly allowed. Consequently, connected Criminal Miscellaneous Petitions are closed.

28-07-2026

Neutral Citation: Yes/No
RPP



1. The Judicial Magistrate-I,
Perambalur.

2. Inspector of Police,
Perambalur Police Station,
Perambalur District.

3. The Public Prosecutor,
High Court, Madras.



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D.BHARATHA CHAKRAVARTHY J.

RPP

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