



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P(MD)No.19020 of 2016  
and Crl.M.P(MD)No.9522 of 2016

- 1.G.Vijayakumar
- 2.Chandrasekaran
- 3.K.Balamurugan
- 4.S.Balaji
- 5.M.Sakthivel
- 6.Selvam
- 7.Thayunatham
- 8.Manickam ... Petitioner Nos.1 to 8/Accused Nos.1 to 8
- 9.Kasi Nethaji
- 10.Raju
- 11.E.Dhanapal
- 12.Virumandi
- 13.Baskar
- 14.Senthilkumar
- 15.Karthi
- 16.D.Balamurugan ... Petitioner Nos.9 to 16/Accused Nos.10 to 17

-vs-

- 1.The State rep. By  
The Inspector of Police,  
E-3, Anna Nagar Police Station,  
Madurai.  
(In Crime No.994 of 2016) ... 1<sup>st</sup> Respondent/Complainant
- 2.M.Muthukamatchi ... 2<sup>nd</sup> Respondent/Defacto complainant

Prayer:- Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records of the case in Crime No.994 of 2016, dated 01.04.2016 on the file of the first respondent and quash the same.

For Petitioners : Mr.C.Arul Vadivel alias Sekar  
For R - 1 : Mr.K.Anbarasan  
Government Advocate (Crl.Side)



## ORDER

This petition is filed to quash the case filed by the first respondent in Crime No.994 of 2016.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the first respondent.

3. Mr. C. Arul Vadivel alias Sekar, learned counsel for the petitioners would submit that the first respondent filed a case against the petitioners in Crime No.994 of 2016 under Sections 8 and 9 of the Tamil Nadu Gambling Act, 1930. The learned counsel for the petitioners would further submit that the act was repealed in the year 1987 and the Madras City Police Act was extended to the city of Madurai in the year 1987. So the case filed under the Tamil Nadu Gambling Act has to be quashed.

4. The learned counsel for the petitioners would further submit that the order passed in Crl.O.P(MD)Nos.10526 of 2014 and batch cases would squarely apply to the facts of this case.

5. This Court in the above referred cases held that after extension of the Chennai City Police Act to the city of Madurai, the respondent Police cannot file a case under the Tamil Nadu Gambling Act. Holding so, this Court has quashed the First Information Report in that case.

6. The learned Government Advocate (Criminal Side), on instructions, would submit that after investigation, the first respondent has filed a final report and the same has not yet been taken on file and he also produced the copy of the final report.

7. It is seen that the first respondent has filed a final report under Sections 8 and 9 of the Tamil Nadu Gambling Act. So following the earlier order, this Court is of the opinion that the case registered against the petitioners under the old act cannot be sustained. Hence, the First Information Report in Crime No.994 of 2016 is quashed and the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,  
E-3, Anna Nagar Police Station,  
Madurai.



2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr.C.Arul Vadivel @ Sekar, Advocate SR.No.58074

Ps

sm:KM:07/11/2016:2P/4C

Cr1.O.P(MD)No.19020 of 2016  
and  
Cr1.O.P(MD)No.9522 of 2016  
03.10.2016