

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5575 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner / A.19 in Cr.No.54 of 2017 on the file of Station House Officer, II Town Police Station, Nellore, registered for the offences punishable under sections 3 and 4 of A.P. Gaming Act, 1974.

2 The learned counsel for the petitioner strenuously submitted that the petitioner has nothing to do with the cricket betting. She further submitted that the allegations made in the complaint do not constitute any offence much less the offence alleged to have been committed by the petitioner and hence it is a fit case to quash the proceedings against the petitioner.

3 The learned Public Prosecutor representing the State of Andhra Pradesh submitted that the petitioner herein has been organizing cricket betting in Nellore Town by engaging several people. He further submitted that the allegations made in the complaint prima facie constitute the offences alleged to have been committed by the petitioners.

4 A perusal of the record reveals that the petitioner is the accused No.19 and the second respondent is the *de-facto* complainant in Cr.No.54 of 2017.

5 As per the allegations made in the complaint, on 05.04.2017 the second respondent along with his staff visited the house bearing D.No.20-1-80 Rajugari street, Mulapeta Nellore town on coming to know about cricket betting and found some persons making calls to others about cricket betting. It is not in dispute that on 05.04.2017 there was a cricket match between Hyderabad Sun Risers and Royal Challengers, Bangalore. As per the allegations made in the complaint, the petitioner

herein along with others used to direct the agents to collect money after completion of the cricket match. A perusal of the record reveals that the petitioner herein is a cricket bookie.

6 While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. Whether the petitioner has involved in cricket betting or not will come to light during the course of investigation only. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

7 Having regard to the facts and circumstances of the case on hand and also the principle laid down in **R.P.Kapoor v. State of Punjab**¹, **State of Haryana v. Bhajan Lal**², **V.Y.Jose v State of Gurajat**³ and **Teeja Devi v State of Rajasthan**⁴, I am of the considered view that this is not a fit case to quash the proceedings at this stage.

8 Accordingly, the Criminal Petition is dismissed. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Date: 13th July, 2017
Kvsn

T. SUNIL CHOWDARY, J

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)