

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No.8665 of 2011

ORDER:

This criminal petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in S.T.C.No.271 of 2011 on the file of the Special Judicial Magistrate of Second Class, Proddatur, registered for the offences under Sections 3 and 4 of Andhra Pradesh Gaming Act, against the petitioners.

2. Heard learned counsel for the petitioners and the learned Public Prosecutor for the respondent-State.

3. Learned counsel for the petitioners raised two grounds for quash. One is that as per charge sheet, no mediators were obtained by the prosecution. The other is that game of rummy is a game of skill. In support of the contention that game of rummy is a game of skill and one cannot be prosecuted for playing it, he placed reliance on the judgment of this Court in **D. Krishna Kumar and another V. State of A.P., rep. by its Inspector of Police, Jubilee Hills Police Station, Hyderabad¹**, wherein it was held that game of rummy is a game of skill and therefore, the question whether the management of the club or the club is making profits, and what is the rate of profit that is being made from out of the game of rummy, with 13 cards/syndicate, may not be of any relevance. It was further held that even if the petitioners, who are running the club that was raided by the police, were making profits by allowing persons to use the premises for playing the game of rummy with 13 cards/syndicate, they cannot be said to be running a 'common gaming house' as

¹ 2002(5) ALT 806

defined in Section 2(1) of the Act, because Section 3 of the Act, in view of Section 15 of the Act, does not apply to a place where rummy is being played.

4. In the present case, on mere contention of petitioners that the prosecution has not obtained mediators, the further proceedings cannot be quashed and the circumstances under which the mediators could not be obtained need to be decided during trial. As regards the game that was being played, the complainant nowhere terms the game as rummy. He simply refers the game as being played with betting. Whether the game involved only skill, only of chance has to be decided only on relevant evidence. Hence, this Court opines that the contentions raised by the petitioners are all factual aspects which can be decided only during trial and therefore, this case is considered as not a fit case to quash the proceedings against the petitioners.

5. Hence, the Criminal Petition is dismissed. Miscellaneous applications, if any, pending in this criminal petition shall stand dismissed.

30th August, 2018.
sj

T. RAJANI, J