

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4013 OF 2021

Ankit Navin Sangoi .. Petitioner

v/s.

The State of Maharashtra & Anr. .. Respondents

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Mr. Vikram N. Walawalkar, i/b. Amey C. Sawant, for the Petitioner.

Mrs. S.D. Shinde, APP, for Respondent State.

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CORAM: NITIN JAMDAR &
SARANG V. KOTWAL JJ.

DATE : 14 DECEMBER 2021.

P.C:-

The Petitioner has sought for the following relief in the
petition :

*“(a) To quash F.I.R. No.555 of 2021 registered with
Deonar Police Station, Mumbai for the offences punishable
under Sections 420, 294(a), 34 of the Indian Penal Code,
1860 as well as under Sections 4 and 5 of the Maharashtra
Prevention of Gambling Act, 1887 and Sections 4 and 7(3)
of the Lottery Regulation Act, 1998.”*

2. The FIR is lodged by a Police Constable on the allegation that on 13 July 2021, an information was received that the Petitioner, Proprietor of Goodluck Enterprises is, under the name of an LR Game, is carrying out Online Gambling Lottery. Raid was conducted. It was found that the nature of the activity was that the Petitioner would take money from the customers, who would choose a two digit number and a printout of that two digit number was given to them. After 15 minutes, the number in the game would be displayed. If the numbers matched, the customer would be given money. If the number did not match, the money was forfeited.

3. The learned Counsel for the Petitioner thought that the LR Game is a game of skill and sought to rely on judicial pronouncement to demonstrate that such activities would be a game of skill.

4. The Petitioner has sought quashing of the FIR and, in that context, we have to keep in mind the nature and scope of the jurisdiction invoked. The contention that the FIR does not disclose any cognizable offence would be upholding the contention of the Petitioner that the activity in question is of skill and not chance. However, the perusal of the FIR shows that the activity is alleged to be of pure chance and a lottery. It is, therefore, not possible to hold a mini trial and to declare that the activity is of skill and that no offence is

made out at all and that no further investigation is necessary. This case cannot be considered as an exceptional case to interfere in extraordinary jurisdiction of this Court to quash the FIR.

5. Writ petition is rejected.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)