



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No. 13914 of 2021
and
Crl.M.P.(MD)No.7233 of 2021

1.Viswanathan
2.S.Karuppaiah
3.N.Saravanan
4.S.Muthuganesan
5.V.Kalimuthu
6.K.Kumaresan
7.Selvam K.Kumaresan

... Petitioners/
Accused No.1 to 7

Vs.

The Inspector of Police,
G1-Devakottai Town Police Station,
Devakottai,
Sivagangai District.
(Crime No.416 of 2021)

... Respondent/
Complainant

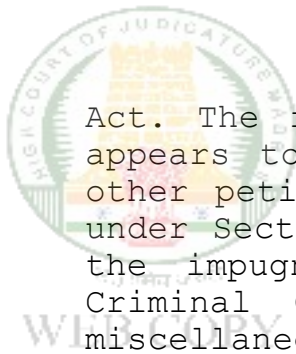
Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for records relating to the FIR registered in Crime No.416 of 2021 on the file of the respondent police and quash the same.

For Petitioners : Mr.H.Mohammed Imran
for M/S Ajmal Associates
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioners are shown as accused in Crime No.416 of 2021 registered on the file of the G1-Devakottai Town Police Station, for the offence under Section 9 of Tamil Nadu Gaming Act, 1930. The case on hand is squarely covered by order, dated 22.10.2018 made in Crl.O.P(MD).No.11917 of 2015. The said order was followed by me in Crl.O.P(MD).No.16798 of 2021. It has already been held that mere playing of cards will not make the first petitioner's lodge as a common gaming house under Tamil Nadu Gaming Act or the City Police



Act. The first petitioner is owning the lodge in question and he appears to have played cards along with his friends, who are the other petitioners herein. This act will not constitute an offence under Section 9 of Tamil Nadu Gaming Act. The very registration of the impugned FIR is unwarranted and it stands quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mga

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
G1-Devakottai Town Police Station,
Devakottai,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-37957[F] dated 09/12/2021)

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and
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MSK(CO)
KB(20.12.2021) 2P 4C