



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.16798 of 2021

and Crl.M.P.(MD)Nos.9076 & 9078 of 2021

WEB COPY

1.Vijayakumar
2.Kannan
3.Palanisamy
4.Gopinath

... Petitioners/Accused Nos.1 to 4

Vs.

1.State through by
The Inspector of Police,
Guzilamparai Police Station,
Dindigul District.
(Crime No.16 of 2019)

... 1st Respondent/Complainant

2.R.Murali
The Sub-Inspector of Police,
Eriodu Police Station,
Dindigul District.

... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for records relating to the charge sheet in S.T.C.No.669 of 2019 on the file of the Judicial Magistrate, Vendasandur and quash the same.

For Petitioners	: Mr.K.Subash Babu for Mr.C.Susikumar
For Respondents	: Mr.T.Senthil Kumar Additional Public Prosecutor for R1

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.669 of 2019 on the file of the Judicial Magistrate, Vendasandur.

2. The petitioners are members of Vendasandur Recreation Club. It appears that they were playing cards within the club premises. On 28.02.2019, there was a raid on the club premises by the first respondent police. The respondent police registered a case in Crime No.16 of 2019 and later, filed final report. Cognizance of the offences under Sections 8 and 9 of the Tamilnadu Gaming Act, 1930, was taken and summon was issued to the petitioners herein. Contending that no offence is made out, this Criminal Original



3. The learned counsel appearing for the petitioners reiterated all the contentions set out in the memorandum of grounds.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondents submits that no case for quashing has been made out.

5. I carefully considered the rival contentions and went through the materials on record.

6. As rightly pointed out by the learned counsel for the petitioners, the issue raised in the writ petition is no longer *res integra*. A learned Judge of this Court by order, dated 29.11.2019 in Crl.O.P.(MD)No.21065 of 2018 etc., had held that mere playing cards will not make the club a common gaming house under the Tamilnadu Gaming Act or City Police Act. After referring to a catena of decisions, the learned Judge quashed the proceedings impugned therein. The case on hand is covered by the aforesaid order. The impugned proceedings are quashed and the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

csn/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 Judicial Magistrate,
Vedasandur.

2.The Inspector of Police,
Guzilamparai Police Station,
Dindigul District.



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

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VR(CO)

RS/SKN (23.11.2021) 3P 4C