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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.21847 OF 2021

AND

CRL.M.P.NO.11859 OF 2021

G.Sasidhar Reddy

... Petitioner

.Vs.

The State Represented by,
Inspector of Police,
R-4, Soundarapandianar Angadi Police Station,
Crime No.378 of 2016,
Chennai City.

... Respondent

PRAYER:-

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to quash the First Information Report in Crime No.378 of 2016 on the file of the respondent.

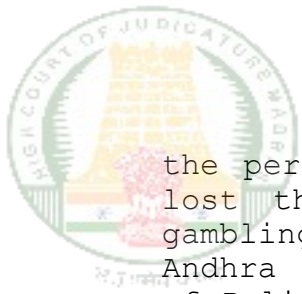
For Petitioner : Mr.R.John Sathyan

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.378 of 2016, on the file of the respondent Police.

2. The case of the prosecution in brevity is that on 01.06.2016, the Inspector of Police attached to the respondent Police, on a secret information received by him that some persons were leaving dejectedly the premise on having lost their money gambling with stakes at Mahalakshmi Cultural Association, T.Nagar, Chennai intimated the same to his superior and also perusal of the earlier complaint. On coming to know that some of



the persons who gambled at Mahalakshmi Cultural Association had lost their mind and some committed suicide losing money in gambling and more particularly, one person from neighbouring Andhra Pradesh lost money and committed suicide, the Inspector of Police formed Police team and with private witnesses, went to the Association premises, where some persons were gambling. The Police team secured the persons, arrested them and seized the chairs, table and amount. Thereafter, the respondent Police registered a case in Crime No.378 of 2016, for offences under Sections 45 and 46 of the Tamil Nadu City Police Act, 1888, as against which, the present petition has been filed.

3. The learned counsel for the petitioner submitted that earlier, the respondent Police registered two cases in Crime No.1953 & 2258 of 2015, which were quashed by this Court in Crl.O.P.Nos.23290 & 23291 of 2016, dated 16.10.2020. He further submitted that at the very outset, the FIR is liable to be quashed as the prosecution is barred by limitation by virtue of Section 468(2)(b) of Cr.P.C., where no Court shall take cognizance after the period of expiry and the period of limitation is one year, if the offence is punishable for a term not exceeding one year. The petitioner was not present at the time of alleged inspection and furthermore, the petitioner is not the person to take decision on his own and the association is managed by its Office bearers. Thus, the FIR has been registered against the petitioner with a malicious intent and with ulterior motive. Hence, he prayed for quashing of the FIR against the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that on 01.06.2016, the respondent Police, on a secret information received by him conducted inspection at Mahalakshmi Cultural Association, T.Nagar, Chennai and found some of the persons had gambled and had lost their money and mind and some of them committed suicide losing money in gambling and more particularly, one person from neighbouring Andhra Pradesh lost money and committed suicide. The Police team secured the persons, arrested them and seized the chairs, table and amount. He further submitted the investigation is almost completed and charge sheet would be filed within a short time, hence, prayed for dismissal of the quash petition.

5. This Court considered the rival submissions and perused the materials available on record.

6. The complaint does not disclose the commission of a cognizable offence. The persons who lost money and family, were not a child to be lured into playing cards. Even according to the complaint, the persons who lost their money and family were



addicted to liquor and playing cards. Further, the case is hit by limitation.

7. Thus, the criminal prosecution is maliciously initiated with an ulterior motive for wreaking vengeance on the accused. In such view of the matter, this Criminal Original Petition is allowed and the entire FIR in Crime No.378 of 2016, on the file of the respondent Police against all the accused is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
R-4, Soundarapandianar Angadi Police Station,
Chennai City.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.John Sathyan, Advocate, S.R.No.6586

CRL.O.P.NO.21847 OF 2021

KSM(CO)
PBS/22/02/2022