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CrI.O.P.No.25943 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrI.O.P.No.25943 of 2022

and

CrI.M.P.No.16008 of 2022

Maruthachalam

... Petitioner

Vs.

State Rep. by
The Sub Inspector of Police,
Singanallur Police Station,
Coimbatore City.
(Crime No.21 of 2022)

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Crime No.21 of 2022, on the file of the respondent/police and to quash the same.

For Petitioner : Mr.N.U.Pressana

For Respondent : Mr.S.Santhosh,
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No. 21 of 2022 on the file of the respondent for the offences punishable



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under Sections 8 & 9 of TN Gaming Act, 1930.

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2.The learned counsel for the petitioner submitted that according to the police, the petitioner and others were arrested during playing cards at Raintree Country Club. The said club is not a common gaming house. Since the said club is not a common gaming house, the offences under Sections 8 & 9 of TN Gaming Act, 1930 will not attract. Hence, the present petition has been filed.

3.The learned Government Advocate (crl.side) appearing for the respondent submitted that in this case, investigation is under progress and there are no materials to show that the said Raintree Country Club is a common gaming house.

4. I have considered the matter in the light of the submission made by the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent.

5. On perusal of records, it is seen that the petitioner and others were arrested by the respondent police on 06.01.2022 at 16.45 hrs for playing cards at the Raintree Country Club. Thereafter, a case has been registered against the



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petitioner and others in connection with a Crime No.21 of 2022 for the offences punishable under Sections 8 & 9 of TN Gaming Act, 1930. According to the police, at the time of arrest, they have seized a sum of Rs.62,520/- along with 52 cards. However, the Raintree Country Club is not a common gaming house. The definition of common gaming house in Tamil Nadu Gaming Act, 1930 is runs as follows:

“3.Definitions- In this Act, unless there is anything repugnant in the subject or context,-

(a) “Common gaming house” means any house, room, tent, enclosure, vehicle, vessel, cyber cafe or any place whatsoever in which instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, room, tent, enclosure, vehicle, vessel, cyber cafe or place, whether free of cost or by way of charge for the use of instruments of gaming or of the house, room, tent, enclosure, vehicle, vessel, cyber cafe or place; and includes any house, room, tent, enclosure, vehicle, vessel, cyber cafe or place opened, kept or used or permitted to be opened, kept or used for the purpose of gaming;”

6. In view of the above definition, the alleged premise is not a common gaming house. Unless the alleged occurrence took place at common gaming house, the offences under Sections 8 and 9 of TN Gaming Act, 1930



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will not attract. Hence, it is liable to be quashed.

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V.SIVAGNANAM,J.

shk

7. Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No. 21 of 2022 dated 06.01.2022 for the offences under Sections 8 & 9 of TN Gaming Act, 1930 on the file of the respondent police is quashed. Consequently, connected Criminal Miscellaneous Petition is closed.

27.10.2022

Internet:Yes/No

Index:Yes/No

Speaking/Non speaking order

shk

To

1.The Sub Inspector of Police,
Singanallur Police Station,
Coimbatore City.

2. The Public Prosecutor,
High Court of Madras.

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and

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