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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **15.12.2022**

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30960 of 2022
& Crl.M.P.No.18947 of 2022

Kumaresan ... Petitioner

Vs.

1.State represented by,
Inspector of Police,
Pallikonda Police Station,
Vellore District.
(Crime No.319 of 2021)

2.Subbu Lakshmi ... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records made in FIR in Crime No.319 of 2021 on the file of Inspector of Police, Pallikonda Police Station, Vellore District, the First respondent herein and quash the same as illegal.

For Petitioner : M/s.R.Sankarasubbu

For Respondent : Mr.S.Santhosh (for R1)
Government Advocate(Criminal side)

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O R D E R

This Criminal Original Petition has been filed to call for the records made in FIR in Crime No.319 of 2021 on the file of Inspector of Police, Pallikonda Police Station, Vellore District, the First respondent herein and quash the same as illegal.

2.The learned counsel for the petitioner submitted that petitioner is shown as first accused in this case which is registered for the offence under Section 8, 9 & 12 of TN Gaming Act, 1930 and Section 420 of I.P.C. It is his further submission that petitioner is not at all present at the time when the respondent Police alleged to have arrested the accused from Kumaresan Kozhi Pannai 7 Star Mana Magizh Mandram and he also no connection with recovery of material objects like cash of Rs.71,170/-, cell phone, playing cards etc. He is falsely implicated in this case. It is his further submission that petitioner was not present on the spot even as per the admitted case in the First Information Report. The case is now being investigated by the same investigation officer who is registered

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the case and it is illegal.

3.The learned Government Advocate (Criminal Side) opposed this petition on the ground that investigation is pending. He further submitted that petitioner is the owner of the premises and he was very much present on the spot, when the Police arrested the accused and recovered the material objects.

4.Considering the nature of the allegations made against the petitioner and other accused, recovery of cash of Rs.71,170/-, cell phones and playing cards, there is a *prima-facie* case made out to presume that accused involved in this case, played cards for stakes and committed cognizable offences. Therefore, this Court is of the considered view that the prayer for quashing cannot be entertained at this stage. However, considering the submissions made by the learned counsel for the petitioner, the same officer who registered the First Information Report is also investigating the case, the respondent is advised that the investigation should be carried out by an officer different from who registered the First Information Report. Investigation shall be completed as early as possible, preferably within a

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period of two months from the date of receipt of a copy of this order.

5.Accordingly, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Speaking / Non Speaking order
ep

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To

1. Inspector of Police,
   Pallikonda Police Station,
   Vellore District.

2. The Public Prosecutor,
   High Court of Madras, Chennai.

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G.CHANDRASEKHARAN,J.

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