



*Crl.O.P.No.4104 of 2023 &  
Crl.M.P.No.2582 of 2023*

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 24.02.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.4104 of 2023 &  
Crl.M.P.No.2582 of 2023**

P.Balraj

... Petitioner

Vs

State: The Inspector of Police,  
R.8 Vadapalani Police Station,  
Vadapalani, Chennai – 600 026.  
(Crime No.627 of 2021)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records relating to the Crime No.627 of 2021 on the file of Inspector of Police, R8 Police Station, Vadapalani, Chennai – 600 026, and quash the same.

For Petitioner : Mr.C.Muruganandam

For Respondents : Mr.S.Santhosh  
Government Advocate (Crl.Side)

**ORDER**

This petition is filed to call for the records relating to the Crime No.627 of 2021 on the file of Inspector of Police, R8 Police Station, Vadapalani, Chennai – 600 026 and to quash the same.



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2. Learned counsel for the petitioner challenges that First Information Report in Crime No.627 of 2021 on the file of the 1<sup>st</sup> respondent as the ground that the offences shown in the First Information Report cannot be taken cognizance now, for the reason that offences are barred by limitation.

3. When queried, learned Government Advocate (Crl.side) submitted that final report has not been filed so far.

4. The First Information Report allegations shows that on 07.07.2021, at about 10.30 a.m., when the Inspector of Police, Vadapalani Police Station made a surprise inspection to Johnson Cultural Club along with the police party, it was found that accused in this case had involved in gambling with money. Therefore, a case came to be registered for the offences under Sections 45 and 46 of TN City Police Act, 1888.

5. Section 45 of the Madras City Police Act, 1888, provides only fine not exceeding five hundred rupees or imprisonment not exceeding three months or to both in case of opening a common gaming house. Section 46 of the Madras City Police Act, 1888, provides fine not exceeding two hundred rupees or imprisonment not exceeding one month to any person found in any common gaming house during any gaming or playing.

6. As per Section 468 of Cr.P.C., period of limitation given is one year



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for taking cognizance, in case the offence is punishable with imprisonment for a term not exceeding one year. In the case before hand, imprisonment prescribed for the offence under Section 45 of TN City Police Act, 1888 is three months and under Section 46 TN City Police Act, 1888 is one month. Final report ought to have been filed within a period of one year from the date of registration of First Information Report i.e., on 07.07.2021. Admittedly, final report is not filed and therefore no question of taking cognizance of the offences alleged in the First Information Report.

7. In this view of the matter, proceedings against the petitioner in Crime No.627 of 2021 on the file of the Inspector of Police, R8 Police Station, Vadapalani, Chennai – 600 026 is quashed and this Criminal Original petition is allowed. Consequently, connected miscellaneous petition is closed.

**24.02.2023**

Index :Yes/No  
Internet:Yes/No  
mpl



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**G.CHANDRASEKHARAN, J.**

mpl

To

- 1.The Inspector of Police,  
R.8 Vadapalani Police Station,  
Vadapalani, Chennai – 600 026.
- 2.The Public Prosecutor,  
High Court of Madras.

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