



CrI.OP.No.21776 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.21776 of 2023
and CrI.MP No.15066 of 2023

1. Muthusamy

2. Tamizhkumaran

3. Sivakumar

... Petitioners

Vs.

1. The State Rep. by the Inspector of Police,
Vellore North Police Station,
Vellore District.

2. Thirunavukarasu

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records pending on the file of the 1st respondent police namely the Inspector of Police, Vellore North Police Station, Vellore District in Crime No.14 of 2020 and quash the same.

For Petitioner	: Mr.E.Kannadasan
For Respondents	: Mr.A.Gopinath Government Advocate



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ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.14 of 2020 on the file of first respondent.

2. The case of the prosecution is that the accused persons were gambling and on seeing the police patrol, they attempted to escape and they were apprehended and based on their confession, an FIR came to be registered for an offence under Section 4(3) of the Tamil Nadu Gaming Act, 1930 and section 420 of IPC.

3. Heard Mr.E.Kannadasan, learned counsel for the petitioner and Mr.A.Gopinath, learned Government Advocate for respondents.

4. The FIR was registered in the year 2020 and till date, no final report has been filed.

5. Insofar as the offence under Section 4(3) of the Tamil Nadu Gaming Act is concerned, it is punishable for a maximum imprisonment of three years. Insofar as 420 of IPC is concerned, it is not made out



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since the complainant in this case is the police.

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6. Insofar as the offence under the Gaming Act is concerned, it is barred under Section 468 of Cr.PC since the final report has not been filed till date. Insofar as the offence under Section 420 of IPC is concerned, no offence has been made out even if the entire allegations made in the FIR are taken as it is.

7. In the light of the above discussion, the FIR in Crime No.14 of 2020, is hereby quashed. This Criminal Original petition is accordingly allowed. Consequently, the connected miscellaneous petition is closed.

22.09.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1. The State Rep. by the Inspector of Police,
Vellore North Police Station,
Vellore District.
2. The Public Prosecutor,
Madras High Court.

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