



Crl.OP.No.21774 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21774 of 2023
and Crl.MP No.15065 of 2023

1. Muthusamy
2. Sujan
3. Sabarathinam
4. Tamizhkumaran

... Petitioners

Vs.

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

... Respondent

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,393 of 2019 and quash the same.

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

ORDER

This Criminal Original Petition has been filed seeking to quash the



Crl.OP.No.21774 of 2023

First Information Report in Crime No.393 of 2019 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 2019 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 since the complainant in this case is the police.



Crl.OP.No.21774 of 2023

WEB COPY

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.393 of 2019, 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

rka



WEB COPY



Crl.OP.No.21774 of 2023

N.ANAND VENKATESH, J.

rka

To

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

Crl.O.P.No.21774 of 2023

22.09.2023