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Crl.OP.No.21763 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

Crl.O.P.No.21763 of 2023
and Crl.MP No.15062 of 2023

Muthusamy

... Petitioner

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.,1782 of 2020 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 First Information Report in Crime No.1782 of 2020 on the file of first respondent.



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2. The case of the prosecution is that on 01.08.2020 at about 15.00 hours, the police were involved in the patrol duty and that at that point of time, the accused persons were selling open lottery tickets. Accordingly, the FIR came to be registered on 01.08.2020 in Crime No.1782 of 2020 for offence under Section 5, 7(1), 7(3) Lotteries Regulation Act 1998 and section 420 of IPC.

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

4. Insofar as the offence under Section 5, 7 (1), 7(3), the same is punishable for a maximum imprisonment of two years. In view of the same, a final report ought to have been filed within a period of three years failing which, it will be barred under Section 468 (2) (c) of Cr.PC. The learned Government Advocate submitted that till date no final report has been filed in this case.

5. The FIR has also been registered under Section 420 of IPC. Even if the allegations made in the FIR are taken as it is, an offence



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under Section 420 of IPC is made out.

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6. In the light of the above discussion, no useful purpose will be served in keeping the FIR pending and accordingly, the FIR in Crime No.1782 of 2020 is hereby quashed. Consequently, the connected miscellaneous petition is closed.

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Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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N.ANAND VENKATESH, J.
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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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