



WEB COPY



Crl.O.P.No.26879 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. No.26879 of 2022 and
Crl.M.P.No.16528 of 2022

P.Venkatesan

... Petitioner

-Vs-

State represented by
Inspector of Police,
Pennadam Police Station,
Tittagudi Taluk,
Cuddalore District-606 105.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, praying to call for the records and to quash the Charge Sheet No.FR-198/2021-Original dated 08.12.2021 in C.C.No.62 of 2022 on the file of the learned Judicial Magistrate Court at Tittagudi.

For Petitioner : Mr.A.Nagarajan

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition is filed to quash the proceedings in C.C.No.62 of 2022 dated 08.12.2021 on the file of the Learned Judicial Magistrate Court at Tittagudi thereby taken cognizance for the offences under Sections 294(a) of IPC and Sections 5 & 7(3) of TamilNadu Lotteries Regulation Act, 1998.

2. The case of the prosecution is that on 08.12.2021 at about 05.00pm, after seeing the police, this petitioner flew away from the place of occurrence. Thereafter, he was got red handed by the respondent police and found in possession of illegal lottery sheet, which were banned by the Government of TamilNadu. Hence, the complaint.

3. On the said complaint, the respondent police registered FIR in Crime No.447 of 2021 and filed a final report. The same has been taken cognizance by the trial Court in C.C.No.62 of 2022.

4. The learned counsel for the petitioner submitted that this petitioner is



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a 70% handicapped and his half part of the body paralysed. Therefore, the entire case has been false and foisted up against this petitioner in order to spoil and destroy the petitioner's future career. There is no previous case as against this petitioner. That apart, no independent witness have been examined by the respondent.

5. On perusal of the records, it is revealed that this petitioner is a handicapped and he cannot move without the help of others. Whereas, the 1st respondent stated that on seeing the police parties, the petitioner flew away from the place of occurrence. After chasing, they caught hold the petitioner.

6. Therefore, the entire proceedings in C.C.No.62 of 2022 on the file of the Judicial Magistrate Court at Tittagudi is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

29.11.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

gvn

G.K.ILANTHIRAIYAN, J.

gvn



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To

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- 1) The Judicial Magistrate Court at Tittagudi
- 2) The Inspector of Police,
Pennadam Police Station,
Tittagudi Taluk,
Cuddalore District-606 105.
- 3) The Public Prosecutor,
High Court Madras.

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