



Crl.O.P.(MD) No.2849 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P.(MD) No.2849 of 2023

and

Crl.M.P(MD) No.2604 of 2023

Barakath Ali,

: Petitioner

Vs

1. State represented through
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
Crime No. 166/2021.

2. The Sub Inspector of Police,
Thondi Police Station,
Ramanathapuram District

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records pertaining to the Impugned FIR in Crime No. 166/2021, dated 12.07.2021, on the file of the first respondent police and quash the same as illegal in so far as the petitioner is concerned.



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For Petitioner : Mr.B.Vinoth Kumar

For Respondents : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking to quash the FIR in Crime No. 166/2021, dated 12.07.2021, on the file of the first respondent police.

2. The case of the prosecution is that on 12.07.2021, when the defacto complainant/second respondent on his duty, found that seven accused persons had played cards for money. On seeing the respondent police, all the accused persons tried to escape from the place of occurrence and a sum of Rs.41,360/- was also seized. Based upon the complaint given by the second respondent, a case in Crime No.166 of 2021 has been registered on 12.07.2021, for the offence punishable under Section 12 of Tamil Nadu Gaming Act, 1930 against seven persons including the petitioner herein.

3. Seeking quashment of the same, the petitioner has come up with this



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Criminal Original Petition, mainly on the ground that the offence alleged against the petitioner i.e., the maximum punishment for the offence under Section 12 of Tamil Nadu Gaming Act, 1930 is conviction to fine not exceeding [one hundred rupees] or to imprisonment not exceeding [three months]; and such instruments of gaming and moneys shall be forfeited. So the cognizance barred by limitation since final report is not filed so far.

4. Since the occurrence took place on 12.07.2021, as per section 468(2) (b) Cr.P.C., within a year Final Report ought to have been filed before the concerned Court. But, in the present case, even after a lapse of more than one year from the date of occurrence, Final Report has not yet been presented before the concerned Court, which is barred by limitation.

5. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that on verification with the Investigating Officer, it is revealed that so far no Final Report has been presented before the concerned Court.

6. Heard both sides.



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WEB COPY 7. It is seen from the records that occurrence took place on 12.07.2021 and till now no Final Report has been filed. Also a petition seeking extension of time under Section 473 Cr.P.C. has also not been filed before the concerned Court.

8. In view of the forgoing reasons, this Criminal Original Petition is allowed. Case in Crime No.166 of 2021, pending on the file of the Sub Inspector of Police, Thondi Police Station, Ramanathapuram District is hereby quashed as against the petitioner herein. Consequently, connected Miscellaneous Petition is closed.

20.02.2023

Internet:Yes
Index:Yes/No

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To

1. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
2. The Sub Inspector of Police,
Thondi Police Station,
Ramanathapuram District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA, J.

lr

ORDER IN
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