



CRL.O.P.(MD)No.14625 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.08.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CRL.O.P.(MD)No.14625 of 2023

Murugan

... Petitioner

Vs

1.State

represented by the Sub Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
(Crime No.757 of 2020)

2.The Sub Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, calling for the records relating to FIR in Crime No.757 of 2020, dated 29.05.2020 on the file of the Sub Inspector of Police, Palayamkottai Police Station, Tirunelveli City and quash the same as against the petitioner.

For Petitioner : Mr.S.Sundarapandian

For Respondents : Mr.SS.Madhavan
Government Advocate (Criminal Side)



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ORDER

This Criminal Original Petition is filed under Section 482 of Cr.P.C. seeking quashment of FIR in Crime No.757 of 2020, dated 29.05.2020, on the file of the Sub Inspector of Police, Palayamkottai Police Station, Tirunelveli City.

2. According to the learned counsel for the petitioner, the petitioner herein have been playing cards along with the other accused in the public place. Hence, the respondent Police registered a case in Crime No.757 of 2020 for the alleged offence under Section 12 of the Tamil Nadu Gaming Act, 1930. The petitioner is arrayed as Accused No.1. It is submitted by learned counsel for the petitioner that he has not committed any offence as alleged by the prosecution, thereby, sought for quashing the FIR.

3. The case against the petitioner and others was registered on 29th May, 2020, which is about three years ago, but still, charge sheet has not been filed. He further submitted that as per Section 468 (b) of Cr.P.C., the first respondent Police has failed to file the charge sheet within a period of one year from the date of offence i.e., 29.05.2020. The FIR was issued under Section 12 of the Tamil Nadu Gaming Act, 1930.



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4. Heard both sides and perused the records.

5. Under Section 468 of Cr.P.C, there is a bar from taking cognizance if the charge sheet is not filed within the time specified therein.

Section 468 of Cr.P.C. reads as under:-

"468. Bar to taking cognizance after lapse of the period of limitation.

(1) Except as otherwise provided elsewhere in this Code, no Court, shall take cognizance of an offence of the category specified in sub-section

(2), after the expiry of the period of limitation.

(2) The period of limitation shall be—

(a) six months, if the offence is punishable with fine only;

(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;

(c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.

(3) For the purposes of this section, the period of limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment."



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6. Considering the time limit prescribed under Section 468 of Cr.P.C., it is to be examined as to whether the respondent Police can file charge sheet for the offence against the petitioner. The petitioner was charged with offence under Section 12 of the Tamil Nadu Gaming Act, 1930, the punishment for which is fine of not exceeding Rs.100 or to imprisonment not exceeding three months.

7. Section 12 of the Tamil Nadu Gaming Act, 1930 reads as under:

12. Penalty for gaming in public streets etc.,

Whoever is found gaming with cards, dice, counters, money or other instruments of gaming in any public street, place or thoroughfare of publicly fighting cocks, shall be liable on conviction to fine not exceeding one hundred rupees or to imprisonment not exceeding three months and such instruments of gaming and money shall be forfeited.

8. As per Section 468 (2) of Cr.P.C., the charge sheet should have been filed within one year from the date of occurrence. In the case on hand, three years have already been lapsed and the Police have not filed the charge sheet. Therefore, considering from any angle, FIR registered against the petitioner in Crime No.757 of 2020 will not sustain and therefore, quashed.



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9. Accordingly, the Criminal Original Petition is allowed.

22.08.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

- 1.The Sub Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
(Crime No.757 of 2020)
- 2.The Sub Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN, J.

tsg

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