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CrI.O.P.No.2087 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.2087 of 2024

And

CrI.M.P.Nos.1503 and 1505 of 2024

Dharmaraj

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Mangalampet Police Station,
Cuddalore.

2.Devi

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for records in STC.No.1091 of 2022 on the file of the Judicial Magistrate Court-II, Virudhachalam and to quash the same in so far as the petitioner (A-4) is concerned.

For Petitioner : M/s.R.Thirumoorthy
For Respondents : Mr.A.Gopinath for R1
Government Advocate (CrI. Side)

O R D E R

The criminal original petition has been filed challenging the final



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report taken on file in S.T.C.No.1091 of 2022 on the file of the Judicial Magistrate Court-II, Virudhachalam.

2.The case of the prosecution is that on 17.12.2021, the second respondent received an information that the accused persons were playing cards with money. On reaching the scene of crime, it was found that the accused persons were playing cards. Hence, 42 playing cards and Rs.100/- was seized from the scene of crime and the accused persons were also arrested. Based on the complaint given by the second respondent, the F.I.R. came to be registered in Cr.No.610 of 2021 for the offence under Section 12 of the Tamil Nadu Gaming Act, 1930.

3.The investigation was taken up by the first respondent and on completion of investigation, the final report was filed before the Court below and it was taken on file in S.T.C.No.1091 of 2022 as against four accused persons. The petitioner has been arrayed as A4 in this case.

4.Heard the learned counsel for the petitioner as well as the learned Government Advocate (CrI. Side).



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5.In the considered view of this Court, some persons belonging to the village seems to have been playing cards with stakes to the tune of Rs.100/-. Unfortunately, the petitioner who was at that point of time only aged about 19 years was also present. There are no bad antecedents against anyone. Therefore, this Court is inclined to bring this case within the scope of Section 95 of I.P.C. The petitioner has now got a job in a foreign country and pending criminal case is coming in the way of the petitioner. No useful purpose will be served in prosecuting this case any further. This Court is inclined to exercise its jurisdiction under Section 482 of Cr.P.C.

6.In the light of the above discussion, the proceedings in S.T.C.No.1091 of 2022 on the file of the Judicial Magistrate Court-II, Virudhachalam, is quashed in its entirety.

7.This criminal original petition is allowed. Consequently, the connected miscellaneous petitions are closed.

05.02.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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N.ANAND VENKATESH,J.
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To

- 1.The Judicial Magistrate Court-II,
Virudhachalam.
- 2.The Inspector of Police,
Mangalampet Police Station,
Cuddalore.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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