



CrI.O.P.(MD) No.1319 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.1319 of 2024

and

CrI.M.P.(MD) Nos.920 and 921 of 2024

D.Manikandan

...Petitioner

vs

**The Sub Inspector of Police,
Kottampatti Police Station,
Madurai District
Crime No.41 of 2022**

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records and quash the charge sheet filed against the petitioner in STC.No.717 of 2022 on the file of the learned Judicial Magistrate No.I, Melur in respect of Crime No.41/22 on the file of the respondent police.

For Petitioner : Mr.P.P.Alwin Balan

**For Respondent : Mr.B.Thanga Aravindh
Government Advocate (CrI.side)**



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ORDER

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The learned Counsel for the Petitioner submitted that the Petitioner had filed this Petition seeking to quash the final report filed by the Respondent Police pending on the file of the learned Judicial Magistrate No. 1, Melur, in S.T.C.No. 717 of 2022.

2.The learned Counsel for the Petitioner invited the attention of this Court to the contents of the FIR in Cr.No.41 of 2022. As per the contents of the FIR, the date of alleged occurrence is mentioned as 13.02.2022 at 12.30 hours. The Complainant is the Sub Inspector of Police, Kottampatti Police Station. He also invited the attention of this Court to the contents of the FIR, wherein, it is stated that the Petitioner herein had perused the documents on demand by the Police, in which it was found to be lottery tickets. The Petitioner also invited the attention of this Court to the definition of the word “lottery”.

3.Also, it is his submission that skyluckyjackpot.com is available on the internet and through whatsapp, it is stated that first prize is Rs.25,000/-,



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2nd prize is Rs.10,000/- and 3rd prize is Rs.100/-. The learned Counsel for the Petitioner invited the attention of this Court to the averments of the Petition, particularly, the grounds, wherein, it is stated that the Petitioner is a B.Sc., graduate working at Singapore as Electrical and Instrument Fitter from the year 2011. He is still working at Singapore. Therefore, it is nothing, but a foisted case. Therefore, he seeks to quash the the charge sheet in S.T.C.No.717 of 2022 pending on the file of the learned Judicial Magistrate No.1, Melur.

4.The learned Government Advocate (Crl.side) vehemently objected to the line of arguments of the learned Counsel for the Petitioner stating that as per the contents of the FIR, the Petitioner had been selling the lottery tickets as Retailer after purchasing it from one Ramesh, who was the wholesale dealer, thereby encouraging the gambling among the youth in the neighboring villages. The results of the lottery were uploaded on skyluckyjackpot.com of the wholesale dealer, Ramesh. The first Respondent had recovered the lottery tickets from the accused along with note book and other things used by the Petitioner/A1. Therefore, the Petitioner cannot claim that he is innocent. Also, money was recovered from him. The



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lotteries are banned as per Sections 5 and 7(3) of Lottery Regulation Act, 1998. Therefore, the conduct of the Petitioner attracts the offences under Lottery Regulation Act, 1998.

5.On perusal of the FIR, it is found that the Complainant and the Investigation Officer are one and the same, based on which the final report was laid before the Court of the learned Judicial Magistrate No.I, Melur, which was taken on file as STC.No.717 of 2022. The Police had misused the provisions of Lottery Regulation Act, 1998 for the sake of statistics purpose as the Complainant and the Investigation Officer are one and the same.

6.Under those circumstances, the investigation report based on the fact that the Complainant and the Investigation Officer are one and the same will not stand scrutiny in the Court of law. Such charge sheet is not legal and is not maintainable in law. Therefore, the charge sheet in STC.No.717 of 2022 pending on the file of the learned Judicial Magistrate No.I, Melur is hereby quashed.



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7. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected Miscellaneous Petitions are closed.

Internet: Yes./No

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Index: Yes/No

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To

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



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SATHI KUMAR SUKUMARA KURUP, J.

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