



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.913 OF 2025

1. Himanshu Damodar Sarvade
Age: 20 years, Occu.: Student,
R/o. Damodhar, 612, Chawani,
Aurangabad Maharashtra 431001
2. Shailendra Jairam Gaikwad
Age: 46 years, Occu.: Business,
Ghar No.612, Chawani,
Aurangabad, Maharashtra 431001
3. Gopal Budhanna Tamlalallu
Age: 54 years, Occu.: Service,
Behind Aided Primary Urdu School
House No.582 / Gaddi Gudam
Cantonment, Aurangabad.
4. Nilesh Subhash Jaiswal
Age: 43 years, Occu.: Business,
Ghar No.612 Chawani,
Aurangabad.

.. Applicants

Versus

1. State of Maharashtra
2. Police Inspector,
Cantonment Police Station,
District Sambhaji Nagar.

.. Respondents

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Mr. Rushikesh C. Barge, Advocate for the applicants.

Mr. P. S. Patil, APP for respondents/State.

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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 14 JULY 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present petition has been filed for quashing the FIR vide Crime No.221 of 2025 dated 26.05.2025 registered with Cantonment (Chhavani) Police Station, District Chhatrapati Sambhajnagar for the offences punishable under Sections 4, 5 and 12(a) of the Maharashtra Prevention of Gambling Act, 1887.

2. Heard learned Advocate Mr. Rushikesh C. Barge for the petitioners and learned APP Mr. P. S. Patil for the respondents/State, after waiving service of notice for those respondents.

3. Learned Advocate appearing for the petitioners has taken us through the contents of the FIR and submits that in the FIR itself it is stated that the present petitioners were found playing Wingame on the computer and in respect of said Wingame, there was criminal writ petition before this Court at the Principal Seat bearing ***Criminal Writ Petition No.1175 of 2023 (Mr. Akshay Anant Matkar and another vs. State of Maharashtra and Anr. decided on 30.03.2023)*** wherein it has been held that the petitioner therein had developed a skill game by name “Wingame”, which can be played on internet. It was held to be a game of skill or at least game of pre-dominantly skill and, therefore, playing such game will not amount to gambling. The entire FIR, therefore, deserves to be quashed and set aside, where it has been stated that the

petitioners were found playing Wingame.

4. Here, it is to be noted that at present the petitioners have produced only the FIR. The investigation is still going on and the charge-sheet is yet to be filed. Therefore, only the contents of the FIR are required to be considered wherein it is stated that when the raid was conducted the petitioners as well as co-accused persons were found playing game by name "Wingame", which was considered as gambling. Now, the FIR is not an encyclopedia. It is not on record as to whether the said game was an online game, which the accused persons were playing, or it was a downloaded app, but it has been then stated that one person in front of the computer screen was playing the Wingame with the help of figures. This Court cannot abort the investigation. Some document has been produced by the petitioner stating that it is the pamphlet or information as to how to play Wingame, which is a skill game and there is also a copy of the certificate i.e. Udyam Registration Certificate in the name of Wingame Enterprises and the name of owner shown to be as Akshay Anant Matkar. Here, it is to be further noted that the petitioners contend that they are the authorized dealer and have right to operate the said Wingame and for that purpose, copy of agreement for retailer has been produced, but it is in the name of one J. K. Enterprises and the petitioner, but J. K. Enterprises is not the company of said Akshay Matkar. Though it is stated that said J. K. Enterprises is

the licenceholder of Wingame, there is no document to that effect. Under such circumstance, there has to be an investigation. When we are at very initial stage, it will not be appropriate to exercise the powers under Article 226 of Constitution of India.

5. The writ petition stands dismissed at the threshold.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm