



CrI.O.P.No. 8032 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.8032 of 2025 and
CrI.M.P.No.5191 of 2025

- 1.Baskar
- 2.Ashok Kumar
- 3.Balu Baskar
- 4.Baskar
- 5.Ananthakrishnaiya
- 6.Sridhar
- 7.Balasubramaniam
- 8.Dinakaran
- 9.Baskar
- 10.Anisetty Suresh
- 11.Hariprakash
- 12.Arumugam
- 13.Srinivasalu
- 14.Purusothaman
- 15.Raghavlu

... Petitioners

Vs.

The State,
Represented by the
The Inspector of Police,
Law and Order Branch,
C2, Elephant Gate, Police Station,
Chennai 600 001.
(Crime No.34 of 2025)

..Respondent



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PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to call for the records in the FIR registered in Crime No.34 of 2025 dated 21.01.2025 on the file of the first respondent and quash the same as arbitrary, illegal and abuse of process of law.

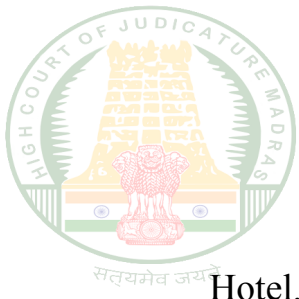
For Petitioners : Mr.G.Thiyagarajan,
Senior Counsel for
Mr.S.Ramesh Kumar

For Respondent : Mr.A.Gopinath
Government Advocate (crl.side)

ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No. 34 of 2025 on the file of the first respondent, registered for the offences under Sections 45 and 46 of the Tamil Nadu City Police Act, 1888.

2. The case of the prosecution is that the petitioners were playing cards for money with tokens on the first floor of the Andhra Bojana



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Hotel. It is stated that all the petitioners are members of the Sree Radhakrishna Baktha Jana Sabha, and after their retirement, they became members of the Sabha for recreational purposes. The prosecution further alleges that the petitioners were engaged in playing cards for money, which led to the registration of the FIR in Crime No. 34 of 2025 for the offences under Sections 45 and 46 of the Tamil Nadu City Police Act, 1888.

3. The learned counsel for the petitioners submits that there is no material to suggest that the petitioners have committed any cognizable offence. The petitioners, all retired persons, were engaging in a recreational activity at the Sree Radhakrishna Baktha Jana Sabha. The petitioners also submit that their club, being a place for recreational purposes, does not fall within the definition of a "common gaming house" under Section 3 of the Tamil Nadu Gaming Act, 1930. Therefore, the provisions of Sections 45 and 46 of the Tamil Nadu City Police Act, 1888, are not attracted in this case. The learned counsel further submits that the FIR has been registered without any substantial evidence to support the allegations, and thus, the FIR is liable to be quashed.



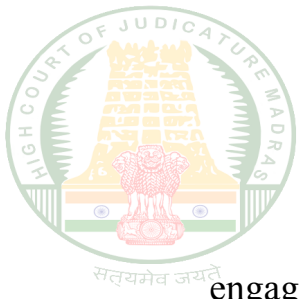
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4. The learned Government Advocate (crl.side) submits that the FIR was registered based on the police's investigation, which revealed that the petitioners were playing cards for money at the premises of the Andhra Bojana Hotel. The respondent contends that the activities carried out by the petitioners fall within the purview of Sections 45 and 46 of the Tamil Nadu City Police Act, 1888 and that the FIR is valid. The Government Advocate (crl.side) further submits that while no material evidence has been recovered from the premises, the registration of the FIR is justified in light of the alleged illegal activities.

5. Heard both sides and perused the materials placed before this Court.

6. After carefully considering the submissions made by both parties and perusing the materials placed on record, this Court is of the opinion that there is no material to suggest that the petitioners have committed any cognizable offence under the provisions of the Tamil Nadu City Police Act, 1888. It is apparent that the petitioners were



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engaged in a recreational activity at their club, which they contend does not constitute a "common gaming house" as defined under Section 3 of the Tamil Nadu Gaming Act, 1930. The FIR in Crime No. 34 of 2025 has been registered without any substantial evidence or recovery of material evidence, such as money, from the premises. The allegations made in the FIR are based on an assumption of illegal activity without sufficient factual backing.

7. Considering the facts and circumstances of the case, this Court is inclined to quash the FIR in Crime No.34 of 2025 as the registration of the FIR appears to be an abuse of the process of law. Accordingly, the FIR in Crime No. 34 of 2025 is hereby quashed. The Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

19.03.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk



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G.K.ILANTHIRAIYAN, J.

shk

To

1.The Inspector of Police,
Law and Order Branch,
C2, Elephant Gate, Police Station,
Chennai 600 001.

2. The Public Prosecutor,
High Court, Madras

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