



Crl.O.P.No. 12189 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2025

CORAM:

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

Crl.O.P.No.12189 of 2025 and
Crl.M.P.No.8136 of 2025

A.Jayavel

... Petitioner

Vs.

State represented by;
The Sub-Inspector of Police,
Pothatturpet Police Station,
Tiruvallur.
Crime No.441 of 2023

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in Crime No.441 of 2023, on the file of the respondent / complainant and quash the same.

For Petitioner : Mr.S.Thankira

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



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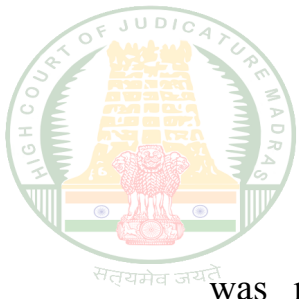
ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.441 of 2023, on the file of the respondent Police, registered for the offence punishable under Section 12 of the Tamil Nadu Gaming and Police Laws Act, 1930 (Amendment 2021).

2. Heard the learned counsel on either side and perused the materials available on record.

3. The case of the prosecution is that on 29.07.2023, during the routine surveillance, the respondent police found the A1 and the petitioner (A2) near Kilapudi Hill, engaged in playing cards with a sum of Rs.50/- in a public street. Based on the said incident, the respondent police registered a case in Crime No.441 of 2023 for the offence punishable under Section 12 of the Tamil Nadu Gaming and Police Laws Act, 1930 (Amendment 2021).

4. The learned counsel for the petitioner submitted that the FIR



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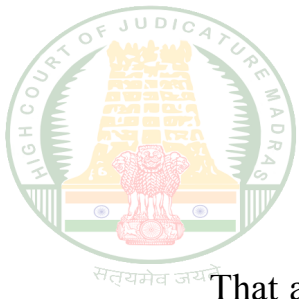
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was registered without any complaint from a third party or any independent witnesses. It was further submitted that since the registration of the FIR in the year 2023, no steps have been taken to investigate the matter and the case remains pending without progress. Therefore, continuation of the proceedings would amount to abuse of process of law. Hence, the learned counsel prays to quash the FIR.

5. The learned Government Advocate (crl.side) submitted that the FIR was registered based on the observations made during routine surveillance and that the investigation is pending. Hence, he prays for the dismissal of this petition.

6. Heard the learned counsel on either side and perused materials available on record.

7. On perusal of the FIR and case records, it is evident that no independent witness was cited, nor was any complaint made by a third party. The FIR was solely based on the surveillance by the respondent.



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That apart, since the registration of the FIR in the year 2023, the records do not indicate any substantial progress in investigation. There are also no specific allegations to attract the ingredients of the offence under Section 12 of the Tamil Nadu Gaming and Police Laws Act, 1930 (Amendment 2021).

8. In view of the above, this Court is of the opinion that the continuance of the proceedings would not serve any useful purpose and would amount to an abuse of process of law. Accordingly, the FIR in Crime No.441 of 2023 on the file of the respondent police is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

23.04.2025

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



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To
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1. The Sub-Inspector of Police,
Pothatturpet Police Station,
Tiruvallur.

2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

shk

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