



Crl. O.P.(MD) No. 3066 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**Crl. O.P. (MD) No. 3066 of 2024
and
Crl. M.P.(MD) No.2450 of 2024**

Palanivel

... Petitioner

Vs

1. The Inspector of Police,
Tirumangalam Taluk Police Station,
Madurai District.
Crime No.310 of 2016.

2. The Sub Inspector of Police,
Tirumangalam Taluk Police Station,
Madurai District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records pertaining to Crime No.310 of 2016 dated 27.11.2016 on the file of the Tirumangalam Taluk Police Station, Madurai District and quash the same in so far as the petitioner is concern.

For petitioner : Mr. D.S.Haroon Rasheed



Crl. O.P.(MD) No. 3066 of 2024

WEB COPY

For respondents : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side) for R1

ORDER

The petitioner seeks quashing of the FIR in Crime No.310 of 2016 registered for the offence under Section 12 of the Tamil Nadu Gaming Act, 1930.

2. The learned counsel for the petitioner would submit that the maximum punishment for the said offence is three month imprisonment with fine not exceeding Rs.100/-; that since the first respondent has not filed a Final Report so far, the prosecution would be barred by limitation; that the FIR was registered on 27.11.2016 for the offence under Section 12 of the Tamil Nadu Gaming Act, 1930 for the alleged occurrence said to have taken place on the same day.

3. The learned Government Advocate (Crl.Side), per contra, would submit that the investigation in this case was completed and a Final Report, in fact, was filed on 03.09.2025 for the offence under Section 12 of the Tamil Nadu Gaming Act, 1930 and he has produced a copy of the Final Report.



Crl. O.P.(MD) No. 3066 of 2024

WEB COPY

4. Admittedly, the Final Report was filed before the learned Judicial Magistrate, Thirumangalam, which has not been taken on file. The Final Report has been filed for the offences under Section 12 of the Tamil Nadu Gaming Act, 1930. Section 12 of the Act reads as follows:

“12. Penalty for gaming in public street, etc..

Whoever is found gaming with cards, dice, counters, money or other instruments of gaming in any public street, place or thoroughfare or publicly fighting cocks, shall be liable on conviction to fine not exceeding one hundred rupees or to imprisonment not exceeding three months and such instruments of gaming and moneys shall be forfeited.”

5. The maximum sentence that can be imposed is three months with fine up to Rs.100/-. As per Section 468 of Cr.P.C., if the offences punishable with imprisonment do not exceed one year, the period of limitation would be one year. The Final Report that is said to have been filed by the first respondent pursuant to the impugned FIR is, therefore, barred by limitation.

6. It is not the case of the first respondent that they had valid reasons for the delay in filing of the Final Report. Therefore, the impugned Final Report is



Crl. O.P.(MD) No. 3066 of 2024

WEB COPY

barred by limitation and no useful purpose would be served in directing the petitioner to challenge the Final Report independently.

7. Accordingly, this Court in exercise of the inherent power, is inclined to quash the Final Report which is yet to be taken on file. Accordingly, the FIR and the Final Report are also quashed.

8. With the above observations, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

03.09.2025

Internet : Yes / No

apd

To

1. The Inspector of Police,
Tirumangalam Taluk Police Station,
Madurai District.
Crime No.310 of 2016.

2. The Sub Inspector of Police,
Tirumangalam Taluk Police Station,
Madurai District.

3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai



WEB COPY



Crl. O.P.(MD) No. 3066 of 2024

SUNDER MOHAN, J.

apd

Crl.O.P.(MD) No. 3066 of 2024

03.09.2025