



Crl.O.P.(MD)No.15132 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15132 of 2025

and

Crl.M.P(MD) No.12313 of 2025

Thilson Raj

... Petitioner/Accused No.1

Vs.

1.State of Tamilnadu

Rep by Inspector of Police,
Nagamalai Pudukottai,
Nagamalaipudukottai Police Station,
Madurai District.

(In Crime No. 195 of 2024).

...1st Respondent/Complainant

2.Sudhan,

Sub-Inspector of Police,
Nagamalaipudukottai Police Station,
Madurai District.

...2nd Respondents/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned FIR in Crime No. 195 of 2024 U/s.12 of Tamil Nadu Gaming and Police Laws Act 1930 (Amendment 2021) pending on the file of the 1st respondent and quash the same in so far as the petitioner/accused No.4 is concerned as illegal, improper and nothing but abuse of process of law.



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For Petitioner : Mr.N.Balasubramanian
For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The petitioner has filed this petition challenging the FIR in Crime No.195 of 2024 on the file of the first respondent Police Station for the offences punishable under Section 12 of Tamil Nadu Gaming and Police Laws Act, 1930 (Amendment 2021).

2. The allegation in the FIR against the petitioner is that he along with others, was found in a public place indulging in cock fighting; and that the said act would constitute the offence under Section 12 of Tamil Nadu Gaming and Police Laws Act, 1930 (as amended in 2021).

3. The learned counsel for the petitioner would submit that the allegations made in the FIR are false; that if the allegations are accepted to be true, it would not attract the offence under Section 12 of Tamil Nadu Gaming and Police Laws Act, 1930 (Amendment 2021) (herein after referred to as “Act”) as the petitioner did not indulge in gaming; and that, in any case, the first respondent has not so far filed the Final Report before the concerned Court



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and the period of limitation prescribed for the offence under Section 12 of Tamil Nadu Gaming and Police Laws Act, 1930 (Amendment 2021), is one year and there is no justifiable reason for the delay in filing the Final Report.

4. The learned Additional Public Prosecutor, on instructions, would submit that the investigation is still going on; that no other offence is made out as against the petitioner on the allegation; and that there is no specific reason for the delay in the investigation and in the filing of the Final Report.

5. It is seen from the impugned FIR, there is no specific allegation that the petitioner indulged in gaming, though the allegation is that he was involved in cock fighting in public. Be that as it may, the impugned FIR was registered on 10.05.2024. The maximum punishment for the offence under Section 12 of the Act, is imprisonment upto three months. As per Section 468(2)(b) of Cr.P.C., the period of limitation for taking cognizance of an offence punishable with imprisonment not exceeding one year is one year.

6. The respondents have not filed the Final Report within the period of limitation. Further, the first respondent has no justifiable reason for the delay as fairly admitted by the learned Additional Public Prosecutor. No other offence is



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made out as against the petitioner. Hence, even if the Final Report is filed now, it would be barred by limitation. Therefore, the continuation of investigation would be a futile exercise. Accordingly impugned FIR in Crime No.195 of 2024 on the file of the first respondent Police is liable to be quashed and accordingly quashed.

7. In the result, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

12.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

Indu

To

- 1.The Inspector of Police,
Nagamalai Pudukottai,
Nagamalaipudukottai Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SUNDER MOHAN, J.

Indu

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