



Crl.O.P.(MD)No.22780 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22780 of 2024

and

Crl.M.P.(MD)No.14269 of 2024

Manikandan

... Petitioner

Vs.

1.Stat rep by its
Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai,
(Crime No.464 of 2017)

2.Devarani

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records of the FIR in Crime No. 464 of 2017 dated 13.12.2017 registered by the first respondent police and quash the same as illegal.

For Petitioner	: Mr.J.Vijayaraja
For R1	: Mr.A.Thiruvadi Kumar
	Additional Public Prosecutor

ORDER

The petitioner, who is the 4th accused in Crime No.464 of 2017 for the offence under Section 12 of the Tamil Nadu Gaming and



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Police Laws Act, 1930 (Amendment Act 2021), has filed this quash petition.

2.The case projected against the petitioner is that on 13.12.2017, the defacto complainant SI of police attached with the respondent police Station along with two constables were at patrol duty. When they came near the Veeraiya Temple, at that time, the petitioner along with four persons was sitting there in round and they were playing cards. On seeing the police, the five persons fled away from the scene and the cards were seized from the scene of occurrence. In the FIR, name of the petitioner and other accused persons have been recorded after investigation.

3.The contention of the petitioner is that when the defacto complainant had himself admitted that on seeing the police, all the accused persons ran way, there is no reason as to how the name of the petitioner and other persons have have been incorporated in the FIR. The petitioner and other accused persons have been falsely implicated and a false case has been registered. The petitioner was never called for enquiry and not arrested in this case and the petitioner and other accused



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persons were not even aware that the case has been registered against them. The petitioner had recently applied for passport and only during the verification, it was found that the case has been registered against the petitioner and others. Thereafter he had filed this quash petition.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is an accused along with four persons, who were playing cards in public and on seeing the police, they fled away. Later, the police enquired the local people and find out the name and identity and the case has been registered. He fairly submitted that no public have been enquired and it is only the SI of police and one constable, who were the eye witnesses in this case. The card and an amount of Rs.50 was also recovered from the scene of occurrence. He further submitted that in that case charge sheet has been filed on 14.12.2024 in CNR No.TNSV2007878792022. He further submitted that in the charge sheet, there is no prayer for condonation of delay in filing final report under Section 473 of Cr.P.C..

5.Heard and considered the submissions made by the learned counsel appearing on either side and perused the materials placed on



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6.The defacto complainant is none other than the Sub Inspector of Police attached with the respondent police Station. In a patrol duty, the petitioner along with four persons were found playing cards in public and on seeing the police, they ran away. Thereafter, the respondent police after enquiring the public, had included the name of the petitioner and others. It is also seen that witnesses to the seizure mahazar are the police personals. Though occurrence is said to have taken place in a public, no public have been examined. It creates doubt in the manner in which the seizure and the occurrence had taken place in the place belonging to the temple.

7.The case has been registered on 13.12.2017 and the charge sheet has been filed only recently. It is stated that there is no prayer for condonation of delay. Hence, this Court is of the view that continuation of the proceedings as against the petitioner will not be proper.

8.The petitioner is the first accused in this case. The other accused



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persons have not filed quash petition. Since they are the similarly placed persons as that of the petitioner herein, this case is quashed as against the other accused persons also. Accordingly, this Criminal Original Petition is allowed and the case in Crime No.464 of 2017 is quashed in its entirety as against the petitioner and all other accused persons. It is made clear that this case shall not be put against the petitioner in his future. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
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02.01.2025

To

- 1.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai,
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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