IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

981 CRIMINAL APPLICATION NO. 3703 OF 2025

1. Feroz Shaikh Shafiuddin Shaikh
2. Sherkhan Kabirkhan Pathan ….APPLICANTS

VERSUS

1. The State of Maharashtra,
thr. Police Station Officer,
Police Station Gangakhed,
Dist. Parbhani

2. Najem Rahim Shaikh

3. The District Magistrate, Parbhani
and District Collector, Parbhani
Tq. & Dist. Parbhani ….RESPONDENTS

…..

Mr Mahesh P. Kale, Advocate for Applicants
Mr C. V. Bhadane, APP for Respondents/State

…..

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 31st OCTOBER, 2026

P. C. :

1. Heard learned Advocate Mr Kale for the applicants and learned APP Mr Bhadane for respondents/State.

2. By this application, the applicants are praying for quashing and setting aside the FIR bearing C.R.No.0614/2025, dated 15/08/2025, registered against them with the Police Station,

Gangakhed, Dist. Parbhani for the offences punishable under Sections 4 and 5 of the Maharashtra Prevention of Gambling Act, 1887 and under Sections 3, 4 and 7 of the Lottery Regulations Act, 1998, the consequential charge-sheet dated 17/11/2025 and the proceedings bearing S.C.C. No.1107/2025 registered with the learned Judicial Magistrate First Class, Gangakhed, Dist. Parbhani.

3. The aforesaid FIR is lodged by respondent No.2/complainant, who is Police Head Constable and was working with the Bharosa Cell, stating therein that, on 15/08/2025, while on patrolling, upon receiving a secret information that illegal online game and lottery operations were being run at Goodluck Game Parlour in Dr. Babasaheb Ambedkar Vyapar Complex at Gangakhed, the raiding party went to the location at around 14.50 hours. They found that one person by giving money, taking the point and said point is entered in the machine and in compensation on numbers for own economic game run the game of skill in the said parlour. There was game on machine by playing the game on point by receiving cast. It is alleged that when the raiding party asked about valid permits or license for running the said game parlour, the individuals stated that they possess legal licence. It is further alleged that the licence was only for entertainment, however, owner of shop was playing the game of skill

against point. Accordingly, the raiding party arrested the applicants and seized the gaming machines installed in the said parlour. Consequently, the aforesaid complaint was lodged alleging that the shop owner was operating an illegal online game and lottery business disguised as entertainment, without the proper licenses for gambling or commercial gaming.

4. Learned Advocate for the applicants vehemently argues that the applicants have no concern with the alleged offence at all. Applicant No.1 is the said shop owner. He further submits that the applicant No.1 has been granted permission by the learned District Magistrate, Parbhani vide the Permit dated 05/02/2004 to run said business i.e. video games parlour. Since then, applicant No.1 is running said parlour and continuing the renewal upto 31/12/2025.

5. According to learned Advocate for the applicants, as per the provisions of the Bombay Entertainments Duty Act, 1923, the District Magistrate has also issued the premises licence for this business. He, therefore, submits that, as this business of running this machines is totally covered as per the provisions of the Bombay Entertainments Duty Act, 1923 and he is paying statutory fees, there cannot be any violation on the part of the owner of the said parlour.

According to him, the said business cannot be classified as gambling, nor can it be considered the operation of a lottery business prohibited under the Lotteries Act.

6. Learned Advocate for the applicants then submits that, subsequent to the registration of instant crime, the Association of such gaming parlour business had approached to the learned District Magistrate on 14/08/2025 and had submitted a representation stating that the video game business was entirely legal, operated solely for entertainment purposes, and did not constitute a lottery or an illegal business. Thus, according to applicant, the said business is totally legal and not come under the Gambling Act and the applicants are running business in pursuance of the permission granted by learned District Magistrate. Therefore, according to learned Advocate for applicants, the business of the applicants cannot be stopped by the police authorities. He further submits that operating of the said machines is nothing but game of skill, and as such, the said activity cannot be termed as the gambling activities. He further submits that the machine which were seized were later on released vide the Court order and the applicant again started using the said machines in the same game parlour There is no complaint by any of the authorities against applicants, which attract aforesaid penal provisions against the

applicants. He, therefore, submits that prosecution against the present application may be quashed by allowing this application.

7. Per contra, learned APP strongly opposes the instant application. He submits that the police authorities conducted a raid and seized the machines because the applicants were allegedly engaging in gambling activities under the guise of a permit granted to them by the learned District Magistrate. He submits that, in view of sufficient material against the applicants, they do not deserve any relief from this Court. He, therefore, prays that the instant application may be rejected.

8. After hearing submissions advanced by the learned Advocates for the respective parties and going through the material placed before this Court and perusal of the FIR, it appears that the applicant was running the video game business from 05/02/2004 and he has been granted valid licence for the purpose of said game business. He is running the said business by continuing renewal upto 31/12/2025. The said business of video games machines is under the licenced premises which has been recognized by the District Magistrate and the applicant is paying statutory duty to the revenue authorities towards said gaming activities business. As such, there is

no question of violation of any rules by the applicants. The machines were seized by the police authorities on the ground that the illegal online games and lottery operations were being run, however, the said business is being operated by the applicants only for entertainment purpose. Therefore, the said activities cannot be termed as gambling activities falling under Gambling Act.

9. In view of the aforesaid discussion, I found that the applicants have made out a case for quashing of the criminal proceedings against them. Hence, I pass the following order :-

ORDER

I) The criminal application is allowed.

II) The FIR bearing C.R.No.0614/2025, dated 15/08/2025, registered with the Police Station, Gangakhed, Dist. Parbhani for the offences punishable under Sections 4 and 5 of the Maharashtra Prevention of Gambling Act, 1887 and under Sections 3, 4 and 7 of the Lottery Regulations Act, 1998, the consequential charge-sheet dated 17/11/2025 and the proceedings bearing S.C.C. No.1107/2025 registered with the learned Judicial Magistrate First Class, Gangakhed, Dist. Parbhani are hereby quashed and set aside to the extent of present applicants.

[SUSHIL M. GHODESWAR, J.]

sjk