



Crl.O.P. No. 14554 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2026

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THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No. 14554 of 2026

N. Gowthaman Babu

..Petitioner

Vs.

The Inspector of Police,
Kodumudi Police Station,
Erode District,
Crime No. 353 of 2020

..Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call for the records and quash the proceedings in STC No. 332 of 2024 on the file of Judicial Magistrate Court, Kodumudi, Erode District as against the petitioner without further reference.

For Petitioners :: Mr.K. Shyam Sunder

For Respondent :: Mr.R. Rajasekaran
Counsel for Govt. of Tamil Nadu,
(Crl.Side)



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ORDER

The petitioners/accused, who are facing trial in STC No. 332 of 2024 on the file of learned Judicial Magistrate, Kodumudi, Erode District, for the offence under Section 12 of TN Gaming Act have filed this quash petition.

2. The case of the prosecution is that on 08.08.2020, during midnight at about 12.15 hours, when the respondent/Police was on patrol duty, they found the petitioners near the farm of one Gowtham Babu/1st petitioner herein. Petitioners 1 to 4 were sitting in a circle and playing cards for gain and they were apprehended with 52 cards and cash of Rs.32,000/-. On completion of investigation, listing 3 witnesses, all police personnel, charge sheet was filed and the same has been taken cognizance in STC No. 332 of 2024 by the learned Judicial Magistrate, Kodumudi, Erode District.

3. Learned counsel for the petitioners submitted that Section 12 of TN Gaming Act is a non-cognizable offence and the punishment is either imprisonment upto 3 months or a fine of Rs.100/-. The



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Police have no power to investigate a non-cognizable offence without the permission of the Magistrate. Hence, Section 155(2) Cr.P.C. has been violated. That being so, the very foundation of the case itself is not sustainable. Further, in this case, on factual aspects, none from the public has been examined as a witness and all the witnesses are police personnel. Moreover, there is no proof to show that any of the petitioners was suffering from pandemic and due to they being together, there was any spread of pandemic. Therefore, the learned counsel prayed to quash the proceedings.

4. Learned Government Counsel appearing for the respondent submitted that in this case, though the FIR was registered for the offence under Sections 182 and 211 IPC, charge sheet was filed only under Section 12 of TN Gaming Act. However, no permission has been obtained as contemplated under Section 155(2) Cr.P.C from the Magistrate. He further submitted that the case in the midst of trial and P.W.2 is no more and P.W.1 has been examined.

5. Heard both sides.

6. Considering the fact that the charge sheet has been filed for a non-cognizable offence, for which the Police have no power and no



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M. NIRMAL KUMAR,J.

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prior permission had also been obtained from the Magistrate to do so, this Court is of the view that the proceedings are liable to be quashed as against the petitioners. Accordingly, the criminal original petition is allowed and the proceedings in STC No. 332 of 2024 on the file of Judicial Magistrate Court, Kodumudi, Erode District, are quashed.

10.06.2026

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To

1. The Judicial Magistrate Court, Kodumudi,
Erode District.
2. The Inspector of Police,
Kodumudi Police Station,
Erode District.
3. The Public Prosecutor, High Court, Madras.

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