



Crl.O.P.(MD)No.22673 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.06.2026

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.22673 of 2022

and

Crl.M.P(MD) Nos.16021 and 16022 of 2022

1. Shanmugavel
2. Palanichamy
3.Rajmohan
4.Gunasekaran

.. Petitioners

Vs.

1.The Sub Inspector of Police
Bazaar Police Station,
Virudhunagar
Virudhunagar District

2.Chinnan
The Sub Inspector of Police
Bazaar Police Station,
Virudhunagar
Virudhunagar District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C.,
to call for the records relating to the proceedings of the charge sheet in
STC No.3 of 2022 pending on the file of the learned Judicial Magistrate
No.I, Virudhunagar and quash the same as against the petitioners /A1 to
A4.



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For Petitioner : Mr.G.Mariappan

For R-1 : Mr.PVetrivel
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in STC No.3 of 2022 pending on the file of the learned Judicial Magistrate No.I, Virudhunagar

2. The case of the prosecution is that on 20.06.2021 at about 12.20 hrs when the Sub Inspector of Police, Bazaar Police Station, Virudhunagar along with police personnels were on patrol all the accused played cards with money in the shop of AVT Vathal godown and thereby a case has been registered in Crime No. 56 of 2021 for the offences under Sections 8 and 9 of Tamil Nadu Gaming Act . Thereafter the respondent conducted investigation and filed final report and based on the same, the trial Court has also taken cognizance in STC No.3 of 2022 and the same is pending for trial. Now the petitioner has challenged the same through this petition.

3. Heard both sides and perused the materials available on record.



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4. In this case the petitioners were playing cards inside the shop of the first petitioner and thereby it cannot be termed as common gaming house which is a prerequisite for proceeding further with the prosecution against the petitioners. In order to attract the provisions under Sections 8 and 9 of the Gaming Act the occurrence should have taken place in a public place or common gaming house but in the present case the alleged occurrence took place inside the shop.

5. This Court in the case of *D.Siluvai vs. The State Rep. by the Inspector of Police, Koodankulam Police Station, Tirunelveli* reported (2020) 3 MLJ (Crl.) 710, held that to attract the provisions under Sections 8 and 9 of Gaming Act the occurrence should have taken place in a public place or in a common gaming house. In the absence of the same, the charge itself is un-sustainable. In the case on hand the alleged occurrence took place in the private building and it is not a gaming house, thereby the offences under Sections 8 and 9 of the Tamil Nadu Gaming Act would not attract in this case.



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6. In view of the same, this Criminal Original Petition stands allowed and the proceedings in STC No.3 of 2022 pending on the file of the learned Judicial Magistrate No.I, Virudhunagar is hereby quashed. Consequently connected miscellaneous petitions stand closed.

24.06.2026

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

1. The Judicial Magistrate No.I, Virudhunagar

2.The Sub Inspector of Police
Bazaar Police Station,
Virudhunagar
Virudhunagar District

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



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P.DHANABAL,J.

aaV

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