

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 30TH MAY 2008 / 9TH JYASHTA 1930

CrI.MC.No. 2071 of 2008()

CRIME NO.242/07 OF VANDOOR POLICE STATION

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PETITIONER: ACCUSED

1. P.ABDUL KAREEM, S/O.MUHAMMED, AGED 55 YEARS, PARAPURAVAN HOUSE, VANDOOR P.O, MALAPPURAM DISTRICT.
2. M.ABOOBACKER, S/O.MUHAMMED, AGED 41 YRS, MUSALYARAKATHU VEEDU, P.O.CHATHANGOTUPURAM, MALAPPURAM DISTRICT.
3. U.ABDUL RAHMAN, S/O.MUHAMMED, AGED 41 YEARS, UZHUNNAN HOUSE, PANDIKKAD P.O, MALAPPURAM DISTRICT.
4. P.ABDULLA, S/O.MUHAMMED, AGED 47 YEARS, PAYYASSERI THANDUPARLAKKAL HOUSE, KOORAD P.O.
5. P.NOUSHAD, S/O.SAIDALI, AGED 36 YEARS, CHOLAKKAL HOUSE, VANDOOR P.O, MALAPPURAM DISTRICT.
6. K.ASSAINAR, S/O.MOIDEEN, AGED 46 YEARS, KARUMAROTTIL HOUSE, PORUR P.O, MALAPPURAM DIST.
7. ABDUL LATHEEF, S/O. MOIDEEN, AGED 44 YRS MUNNITHODIKA HOUSE, VELLAYOOR (PO).
8. JALEEL.C.S, ABDURAHMAN, AGED 34 YEARS, PARANCHERY HOUSE, KOORADU (P.O).

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: COMPLAINANT

1. THE SUB INSPECTOR OF POLICE, MELTTOOR POLICE STATION, MELATTOOR, MALAPPURAM DISTRICT.
2. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.C.SANTHOSH KUMAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30/05/2008, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C No.2071 of 2008

Dated this the 30th day of May, 2008

ORDER

Petitioners face allegations in a crime registered alleging offences punishable under the Kerala Gaming Act. The crux of the allegations is that the petitioners along with some others were engaged in the culpable act of gaming in a certain premises when the police party on receipt of prior information went to the premises and conducted a raid. The raiding police party allegedly saw the petitioners indulging in the act of gaming when they raided the premises. The crime has been registered. Investigation is in progress.

2. The petitioners have now come to this Court with a prayer that powers under Section 482 Cr.P.C may be invoked to quash the proceedings against the petitioners. What is the reason ? The learned counsel for the petitioners contends that the F.I.R is seen registered under Sections 7 and 8 of the Gaming Act and in as much as the person running the alleged gaming house is not arrayed as an accused in the F.I.R, the allegations under Sections 7 and 8 will not lie and therefore the investigation is liable to be quashed.

3. I have considered the submission. I shall carefully avoid any detailed discussions on merits about the acceptability

of the allegations or the credibility of the data collected. Suffice it to say that it cannot for a moment be contended that if the allegations are true, the petitioners are not guilty of any offence under the Kerala Gaming Act. Whether the offence would fall under Section 7 or Section 8 of the Gaming Act or under other provisions is not a question which this Court should now consider in detail. The allegations, if accepted, would certainly reveal the offence punishable under the Kerala Gaming Act. That being so, I am of the opinion that the petitioners are not, at any rate, entitled to invocation of the extraordinary inherent jurisdiction under Section 482 Cr.P.C to bring to premature termination the proceedings initiated against them.

4. This Crl.M.C is, in these circumstances, dismissed. I may hasten to observe at the risk of repetition that I have not intended to express any final opinion on the disputed questions. I have only chosen to hold that the powers under Section 482 Cr.P.C do not deserve to be invoked at this early stage to bring to premature termination the investigation which has already commenced.

(R.BASANT, JUDGE)

rtr/-