

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 7TH DAY OF JANUARY, 2014

BEFORE

THE HON'BLE MR.JUSTICE H.N.NAGAMOHAN DAS

CRIMINAL PETITION No. 7648/2013

BETWEEN:

01. Kirana S.
S/o Siddappa,
Aged about 32 years,
R/at S.P. Road,
Sakaleshpura (Tq.),
Hassan - 573 134.
02. Mohana
S/o Rangaswamy,
Aged about 23 years,
Champakanagara,
Sakaleshpura Town,
Hassan - 573 134.
03. Ranganatha Shetty,
S/o Ramadasa Shetty,
Aged about 31 years,
R/at K.B. Hallakya Hobli,
Chikkamagaluru (Tq.),
Hassan - 576 534.
04. Babu S/o Husen Khan,
Aged about 31 years,
R/at Maheswarinagar Extension,
Sakaleshpura Town,
Hassan 573 134.

05. Yogesha
S/o Vasanthappa,
Aged about 46 years,
Mallagadde,
Sakaleshpura (Tq.),
Hassan – 573 134.
06. Hasmath
S/o Ajeej Khan,
Aged about 58 years,
Kushalnagara Extension,
Sakaleshpura Town,
Hassan – 573 134.
07. Muruga Rajendraswamy
S/o Madappa,
Aged about 45 years,
R/at Balegadde,
Sakaleshpura Town,
Hassan – 573 134.
08. Raju S/o Kenchaiah,
Aged about 31 years,
R/at Kushalanagara Extension,
Sakaleshpura Town,
Hassan – 573 134.
09. Kantharaju S/o Basappa,
Aged about 39 years,
R/at Hebbasale Village,
Sakaleshpura (Tq.),
Hassan – 573 134.
10. Murthigowda
S/o Nirvanegowda,
Aged about 62 years,
R/at Hullahalli,
Sakaleshpura Tq.,
Hassan – 573 134.

11. Mohana
S/o Marikenchaiiah,
Aged about 32 years,
R/at Kabbinagadde,
Sakaleshpura (Tq.),
Hassan – 573 134.
12. Eshwara
S/o Modlaihah,
Aged about 40 years,
R/at Chinnahalli,
Alur (Tq.),
Hassan – 573 134.
13. Shivanna
S/o Virupaksha,
Aged about 36 years,
R/at Malagalale,
Alur (Tq.),
Hassan – 573 134.
14. Rajesha
S/o Rangaswamy,
Aged about 45 years,
R/at Ajad Road,
Sakaleshpura Town,
Hassan – 573 134.
15. Raj Prasad S/o Somegowda,
Aged about 55 years,
R/at Thumbudevanahalli,
Sakaleshpura (Tq.),
Hassan – 573 134.
16. Manjunatha
S/o Siddegowda,
Aged about 51 years,
R/at Kelaginakoppalu,

Sakaleshpura Town,
Hassan – 573 134.

17. Kumara B.D. S/o Pundalekarav,
Aged about 42 years,
R/at Main Road, K. Hosakote,
Alur (Tq.), Hassan-573 134.

18. Annegowda
S/o Dyavappa Gowda,
Aged about 40 years,
R/at 41st Cross,
Mahalakshmi Layout,
Bangalore – 560 086.

19. Chandregowda,
S/o Annegowda,
Aged about 45 years,
R/at Malikarjuna Nagara,
Sakaleshpura Town,
Hassan – 573 134.

... PETITIONERS

(BY SRI PRATHEEP K.C., ADV.)

AND:

01. State of Karnataka,
Represented by the
Sakaleshpura Town Police,
Sakaleshpura Taluk,
Hassan District – 573 201.

02. Shashidhara M.N.
S/o Narayanappa M.R.,
Aged about 45 years,
P.I. D.C.I.B., Hassan,
Hassan – 573 201.

... RESPONDENTS

(BY SRI. B.J. ESHWARAPPA, GP FOR R-1)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. PRAYING TO QUASH THE FIR NO.234/2012 AND CHARGE SHEET IN C.C. NO.238/2013 PENDING ON THE FILE OF THE CIVIL JUDGE AND J.M.F.C., SAKALESH PURA, HASSAN DISTRICT REGISTERED BY THE RESPONDENTS.

THIS CRIMINAL PETITION COMING ON FOR ADMISSION THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioners are accused in Crime No. 0234/2012 for the offences punishable under Sections 79 and 80 of Karnataka Police Act. In the FIR it is alleged that on 14.10.2012 the petitioners were playing Rummy and seized from them a sum of Rs.88,915/-. After investigation, charge sheet is filed. Admittedly, the petitioners were playing rummy.

2. This Court in **Anantaswamy Iyer and others Vs.**

State of Karnataka (1982[1] Kar. L.J. 400 held :

“The game of Rummy with cards is not a game of chance but a game of skill. The collection of commission from the members of club playing Rummy does not make it a

gambling house. Thus, it does not amount to any offence”.

3. In the circumstances, the following Order :

The petition is hereby allowed. The proceedings in FIR No.234/2012 and Charge Sheet in C.C. No.238/2013 pending on the file of the Civil Judge and JMFC, Sakaleshpura, Hassan Dist., are hereby quashed.

Sd/-
JUDGE

RBV/