



CNR: KAHC010019732019

NC: 2026:KHC:54555
CRL.P No. 506 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO. 506 OF 2019

BETWEEN:

MR. ISMAIL
SON OF ABDUL KADHAR
AGED ABOUT 36 YEARS,
RESIDING AT MAMBARM VILLAGE
KOYOD-TALUK, THALASERI DISTRICT,
KERALA STATE - 670 101.

...PETITIONER

(BY SRI. GIREESHA J.T, ADVOCATE)

AND:

STATE BY HAL POLICE STATION,
REPRESENTED BY S.P.P
HIGH COURT BUILDING,
BANGALORE - 560 001.

...RESPONDENT

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. SUHAS GOWDA M, HCGP)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE PROCEEDINGS IN C.C.NO.55177/2018 (CRIME
NO.519/2016 H.A.L POLICE STATION) FOR THE OFFENCES
P/U/S 370 OF IPC AND SECTION 4, 5, 7 OF I.T.P ACT ON THE
FILE OF THE HONOURABLE XLIII A.C.M.M., MAYO HALL,
BANGALORE.



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THIS PETITION, COMING ON FOR HEARING, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel appearing for the petitioner and learned counsel appearing for the respondent-State.

2. The factual matrix of the case of the prosecution is that on 25.08.2016 on credible information which was received at 05.00 p.m., that some persons are running the brothel and based on that information he took his staff and also the panchas CW-7 & 8, left the station at 05.15 p.m., and conducted the raid at 05.30 p.m., and made the CW-2 as Decoy and at 05.40 p.m., found accused Nos.2 and 3 who had involved in the said act and found the CW-9 and 10 are the victims, but accused No.1 was absconded and hence filed the charge sheet.

3. Learned counsel appearing for the petitioner would submit that though in the complaint it is stated that this



petitioner is getting the customers to the brothel run by accused No.1 but in the charge sheet specific allegations are made against accused Nos.2 and 3, they are the customers and they are involved in that act and hence the offence under Section 370 of IPC and Section 4,5,7 of I.T.P Act will not apply. The counsel in support of his argument relies upon the order passed by this Court in Criminal Petition No.5808/2016 wherein this Court taken note of Section 3, 4, 5 and 7 of ITP Act, 1956 and Section 370 of IPC the same not attracts in a case when they went there as customer and also taken note of sub-Section (2) and (5) of Section 15 of the Immoral Traffic (Prevention) Act, 1956, which reads as search without warrant. Subclass (1) and subclass (2) and also observed that respondent has not at all called the respectable woman inhabitant of that locality to witness the place of search. So also taken note of subsection 4 shall forthwith produce him before the appropriate Magistrate and no such steps were taken by the police.



4. This Court taking note of the earlier order passed in WP No.56504/2015 and Criminal Petition No.7110/2011 dated 18.12.2015 passed in Criminal Petition No.7056/2014 and decision of Andhra Pradesh High Court dated 22.3.2013 rendered in Criminal Petition No.1786/2013 and batch matters comes to the conclusion that looking into the materials placed on record prima facie shows that petitioner went to the said place for the purpose of massage as a customer and it cannot be said that prosecution has placed prima facie material as against the petitioner and allowed the petition.

5. Learned counsel appearing for respondent/State would submit that in the request made by the Investigating Officer for registration of the case, it is specifically stated that the petitioner was acting as a pimp and procuring customers. Learned counsel would contend that in the charge sheet, a similar accusation has been made against accused Nos.2 and 3 alleging their involvement in prostitution.



6. Having heard the learned counsel for petitioner and learned counsel appearing for respondent/State and having also considering the request letter addressed to the Court, it is no doubt stated therein that the petitioner was procuring customers and at the time of the raid, an amount of Rs.200/- was found in his possession. However, having perused the charge sheet, it is alleged that the petitioner along with accused No.2 was involved in prostitution. There is no specific accusation made in the charge sheet that petitioner was procuring customers or acting as pimp, as stated in the request letter. But charge sheet allegations otherwise similar to accused Nos.2 and 3 and they are the customers and the victims statement which was recorded CW-9 and CW-10 also not stated anything about this petitioner.

7. Having considered the facts and allegations and in view of the discussion made by this Court with regard to the judgment of this Court passed in Criminal Petition as well as writ petition and this Court also comes to the conclusion that if he is a customer these offences will not



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attract to the customer and hence it is a fit case to quash the proceedings initiated against the petitioner. Since same accusation is made against accused Nos.2 and 3 as customers.

8. In view of the discussions made above, I pass the following:-

ORDER

- i. Petition is ***allowed.***
- ii. The proceeding in C.C.No.55177/2018 (Crime No.519/2016 (H.A.L. Police Station) pending on the file of Hon'ble XLIII A.C.M.M., Bengaluru for the offences punishable under Section 370 of IPC and Section 4,5,7 of I.T.P Act, is quashed.

Sd/-
(H.P.SANDESH)
JUDGE

VS
List No.: 1 Sl No.: 28