



CNR: KAHC010186462025

NC: 2026:KHC:51076
CRL.P No. 3981 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 3981 OF 2025 (482(Cr.PC) /
528(BNSS))

BETWEEN:

1. SMT.NIRMALA HOSAMANI
D/O ARJUN HOSAMANI
AGED 25 YEARS
2. TROGLINA
D/O CHORIQU
AGED 27 YEARS,

(BOTH THE PETITIONERS
ARE RESIDING AT NO.172/2,
17TH CROSS, 30TH MAIN,
J.P. NAGAR, 6TH PHASE,
BANGALURU-560078)

...PETITIONERS

(BY SRI N. K. RAMESH, ADVOCATE)

AND:

1. STATE OF KARNATAKA
JAYANAGAR SUB DIVISION
JAYANAGAR P.S., BANGALURU-560011
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
BENGALURU-560001

...RESPONDENT

(BY SRI RANJITH KUMAR N., HCGP)

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THIS CRL.P. FILED U/S.482(FILED U/S.528 BNSS) CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING TO QUASH ALL FURTHER PROCEEDINGS IN CHARGE SHEET IIND ADDL. CMM COURT, NRUPATUNGA ROAD, BENGALURU CITY ANNEXURE-B, AT THE FINAL REPORT NO.0020/2024 DATED 21.01.2024 AND I.T.P. ACT, U/S 3, 4, 5, 6, 7 REGISTERED BY THE RESPONDENT POLICE.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Petitioners are before this Court seeking for the following relief:

"WHEREFORE the Petitioners most humbly pray that this Hon'ble Court may be pleased to call for the records and quash charge sheet at Annexure-B, II Addl. CMM Court, Nrupatunga Road, Bengaluru City and the final report No.0029/2024 dated 21.01.2024 registered by the Respondent Police for offences p/u/s 3, 4, 5, 6, 7 of ITP Act and all further proceedings thereto, in the interest of justice and equity."

2. The petitioners are before this Court seeking quashing of the proceedings initiated against them in Crime No.29/2024 registered by Jayanagar Police Station for the offences punishable under Sections 3,

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4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act, 1956.

3. The case of the prosecution is that, on receipt of information that a prostitution racket was being conducted in Thara Spa at Jayanagar, Bengaluru, the respondent-police arranged a decoy operation. The decoy visited the said spa and demanded sexual favours. He was asked to pay a sum of Rs.2,500/-, which was paid in five currency notes of Rs.500/- each. The numbers of the currency notes had been noted in advance. Thereafter, the police conducted a raid.
4. The petitioners are accused Nos.2 and 3. Five women who were allegedly involved in the said activity were also apprehended. Investigation was thereafter taken up and the charge-sheet came to be filed on 03.06.2024 for the offences referred to above.
5. Learned counsel for the petitioners submits that petitioner No.1 was working as an Accounts Manager and petitioner No.2 was working as a receptionist in the spa. It is contended that neither of them had anything to do with the alleged offences. According to learned counsel, if any offence had been committed, the same was attributable to accused

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No.1, who is stated to be the owner of the spa. It is further contended that the petitioners had taken up employment only to earn their livelihood and there is no material to establish their participation in the alleged offences.

6. Learned High Court Government Pleader, however, submits that the statements of the women who were apprehended during the raid contain specific allegations against the petitioners. It is stated that the petitioners took photographs of the women and circulated the same through WhatsApp to prospective customers. It is further alleged that the petitioners collected money from customers after the women provided sexual favours and thereafter distributed the money among the women.
7. It is also stated that the petitioners maintained an atmosphere of fear by threatening the women with action if they did not comply with the demands made by the petitioners on behalf of accused No.1. According to the statements, the women had initially joined the spa as masseuses on the understanding that they would be paid a monthly salary of Rs.25,000/-, but were thereafter forced into the alleged activities by accused Nos.1 to 3.

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8. At the outset, it is necessary to keep in view that mere employment in a spa, by itself, does not constitute an offence under the Immoral Traffic (Prevention) Act, 1956. The material against each accused has to be considered independently. At the same time, the mere fact that accused No.1 is stated to be the owner of the spa does not, by itself, exclude the possibility of other persons having participated in the commission or management of the alleged activities.
9. This distinction assumes importance in the present case. The allegations against the petitioners are not confined to the fact that they were employed in the spa. The statements relied upon by the prosecution attribute specific acts to them, including taking photographs of the women, circulating the photographs to prospective customers, collecting money from customers and distributing the money among the women, apart from exercising control over the women by allegedly threatening them.
10. The question at this stage is not whether these allegations are ultimately proved. The question is whether the material collected during investigation, if taken at its face value, discloses material requiring



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consideration of the petitioners' involvement in the offences alleged against them and whether continuation of the proceedings would amount to an abuse of the process of law.

11. The fact that the charge-sheet has been filed is not, by itself, sufficient reason to refuse to exercise jurisdiction to quash the proceedings. At the same time, where the charge-sheet contains specific allegations and material attributing acts of participation to the accused, this Court would not ordinarily undertake an appreciation of the truthfulness or evidentiary value of such material at the threshold.
12. In the present case, the statements of the women apprehended during the raid specifically attribute acts to the petitioners. Whether those statements are truthful, whether the acts alleged against the petitioners were in fact committed, whether the petitioners exercised the control alleged by the prosecution and whether the acts so attributed satisfy the ingredients of the respective offences under the Immoral Traffic (Prevention) Act are matters which can appropriately be considered by the Trial Court on the basis of evidence.

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13. The prosecution also relies upon the payment of Rs.2,500/- to the decoy through five identified currency notes. That circumstance forms part of the prosecution case regarding the raid. However, the relevance of the said transaction to the petitioners would also have to be established by the prosecution through evidence. This Court would not, at this stage, undertake an assessment of the evidentiary value of that circumstance or determine the precise role played by each petitioner.
14. The provisions invoked against the petitioners relate to distinct acts and offences. Therefore, the mere existence of prostitution in the premises cannot, without more, result in criminal liability of every person employed there. There must be material connecting the particular accused with the conduct constituting the offence. In the present case, however, there are specific allegations of participation against the petitioners, and the material relied upon by the prosecution cannot be said to be wholly unrelated to the offences alleged.
15. Mere employment, presence or association with the premises is not sufficient, by itself, to sustain prosecution. Conversely, where the charge-sheet

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contains specific material attributing acts of participation to an accused, the Court exercising jurisdiction to quash cannot ordinarily conduct a mini-trial to determine the truth of those allegations.

16. In the present case, having regard to the specific allegations made against the petitioners and the material collected during investigation, this Court is unable to hold that, even if the allegations are taken at their face value, no offence is disclosed against them. The matter therefore does not fall within the category of cases where continuation of the proceedings can be said to constitute an abuse of the process of the Court.
17. It is clarified that the observations made herein are only for the purpose of considering the present petition. This Court has not expressed any opinion on the truthfulness of the statements, the evidentiary value of the material collected during investigation or the ultimate guilt or innocence of the petitioners.
18. The petitioners are at liberty to urge all their factual and legal defences before the Trial Court. The Trial Court shall consider the matter independently on the basis of the evidence placed before it and in

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accordance with law, uninfluenced by any observations made in this order.

19. Accordingly, the petition stands **dismissed**.

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(SURAJ GOVINDARAJ)
JUDGE

VP
List No.: 1 Sl No.: 29