



CNR: KAHC010490102019

NC: 2026:KHC:52870
CRL.P No. 148 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 148 OF 2020

BETWEEN:

1. KISHOR,
S/o KRISHNAMURTHY,
AGED 32 YEARS,
R/AT NO 1221, 4TH MAIN ROAD,
SBI MAIN ROAD,
HEBBAL I STAGE,
MYSURU 570016

...PETITIONER

(BY SRI. NANJUNDA SWAMY N., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY MYSURU SOUTH POLICE STATION,
MYSURU, REPTD BY STATE PUBLIC PROSECUTOR,
AMBEDKAR VEEDHI,
BENGALURU 560001

...RESPONDENT

(BY SRI. MOHAMMED AYUB ALI., SPP)

THIS CRL.P IS FILED U/S 482 CR.PC BY THE ADVOCATE
FOR THE PETITIONER PRAYING THAT THIS HONBLE COURT
MAY BE PLEASED TO QUASH THE FIR IN CR.NO.582/2014 OF

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Location: HIGH
COURT OF
KARNATAKA



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MYSURU SOUTH P.S., CHARGE SHEET FILED IN CR.NO.582/2014 BY THE MYSURU SOUTH P.S., MYSURU AND ALL THE QUASH THE PROCEEDINGS IN C.C.NO.325/2016 ON THE FILE OF II CIVIL JUDGE AND JMFC MYSURU.

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

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

ORAL ORDER

This petition is filed seeking quashing of the FIR and charge sheet registered in Crime No.582/2014 by the Mysuru South Police Station, and consequently quashing of the proceedings in C.C.No.325/2016 pending on the file of II Civil Judge and JMFC, Mysuru.

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

3. The allegation against the petitioner is that he was a customer and, therefore, the offences punishable under Sections 3, 4, 5, 6 and 7 of the Immoral Traffic (Prevention)



Act, 1956 (for short, "the Act"), have been invoked against him.

4. Learned counsel for the petitioner relies upon the order passed by this Court in Criminal Petition No.101538/2019, dated 09.03.2020, and draws the attention of this Court to the observations made in paragraph No.7 thereof. This Court, while considering the case of persons alleged to be customers of the resort, has held that Sections 3 and 4 of the Act are not attracted against such customers. In order to constitute an offence under Sections 3 and 4 of the Act, there must be material to establish that the premises were being used as a brothel or that the person concerned was living on the earnings of prostitution. In the absence of such ingredients, the said provisions cannot be invoked.

5. Having regard to the allegations made in the complaint and the material available on record, the ingredients of Sections 3 and 4 of the Act are not attracted insofar as the present petitioner is concerned.



6. This Court, in the said judgment, has also observed that, though a customer may, in a given circumstance, encourage prostitution and exploit the victim for monetary consideration, in the absence of a specific penal provision making such conduct an offence, the customer cannot be prosecuted for the offences under Sections 3 and 4 of the Act.

7. The learned Additional State Public Prosecutor appearing for the respondent-State also fairly submits that the case of the present petitioner is covered by the aforesaid judgment of this Court. Having regard to the law laid down therein and considering the ingredients of the offences alleged against the petitioner, when there is no specific penal provision to punish a customer for the alleged acts, continuation of the criminal prosecution against the petitioner cannot be sustained. Hence, there is force in the contention of the learned counsel for the petitioner that the petitioner, who is alleged to be a customer, cannot be subjected to criminal prosecution for the offences alleged against him.



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8. Accordingly, I pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The entire proceedings in C.C.No.325/2016 pending on the file of II Civil Judge and JMFC, Mysuru, for the offences punishable under Sections 3, 4, 5, 6, 7 of Immoral Traffic Prevention Act, 1956 insofar as petitioner-accused No.4 is concerned is hereby quashed.

**Sd/-
(H.P.SANDESH)
JUDGE**

AG
List No.: 1 Sl No.: 18