



Crl.O.P.(MD).No.13526 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.13526 of 2026

and

Crl.M.P(MD) Nos.13164 and 13165 of 2026

1. Ponmani
2. Rajkumar

... Petitioners/
Accused No.2 and 4

Vs

1. The State of Tamil Nadu
Represented through
The Inspector of Police,
Thideer Nagar Police Station,
Madurai City.
(Crime No.611 of 2018)

... 1st Respondent/Complainant

2. R.Raja Murali
Inspector of Police,
Thideer Nagar Police Station,
Madurai City.

... 2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in S.C.No.136 of 2020 on the file of the Chief Judicial Magistrate, Madurai and quash the same.

For Petitioners : Mr.P.Muthusamy

For R1 : Mr.P.Samuel Gunasingh
Government Advocate (Crl.Side)



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ORDER

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The present Criminal Original Petition has been filed by A2 and A4 in S.C.No.136 of 2020 on the file of the Chief Judicial Magistrate, Madurai, seeking to quash the charge sheet, wherein the petitioners are charged with the offences under Sections 3 (1) and 4 (2)(c) of Immoral Traffic (Prevention) Act, 1956 r/w Section 370 (2) of IPC.

2. A perusal of the charge sheet reveals that the petitioners along with two other accused are said to be running a SPA which was searched by the respondent police officials and found that it was being used as a brothel house and prosecution was going on.

3. According to the learned counsel appearing for the petitioners, the regular police have no jurisdiction whatsoever to conduct a search in view of Section 13 of the Immoral Traffic (Prevention) Act, 1956. He further submitted that the procedure contemplated under Section 15 (2) of Immoral Traffic (Prevention) Act has not been followed and in such circumstances, the charge sheet is liable to be quashed.



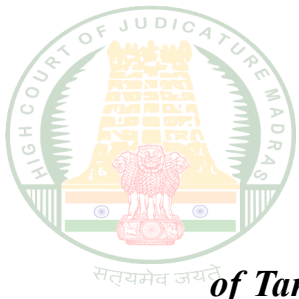
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4. Per contra, the learned Government Advocate (Crl.Side) appearing for the first respondent submitted that in view of G.O.Ms.No.618, (Social Welfare Department), dated 13.04.1987, the regular police were authorized and they have been declared as Special Police under the Immoral Traffic (Prevention) Act and therefore, they got jurisdiction to conduct search and arrest of the concerned persons. He further submitted that the premises being used as a commercial premises, the question of invoking the procedure contemplated under Section 15 (2) of Immoral Traffic (Prevention) Act would not arise. He further pointed out that out of 12 witnesses, except P.W.6 and P.W.12, all other witnesses have already been examined and the trial is in the advanced stage.

5. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

6. It could be seen from the records that out of 12 witnesses, already 10 of them have been examined and it is posted on 09.07.2026 for examination of P.W.6 and P.W.12. Already this Court in a judgement in ***Crl.O.P(MD) No. 21999 of 2024, dated 03.07.2026*** in ***(Y.Gnana Ganesh and another vs. State***



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of Tamil Nadu, Represented by the Inspector of Police, Anna Nagar Police Station, Madurai City) has taken a view that the regular police have got jurisdiction to conduct search and arrest the persons. This Court has also found that the procedure contemplated under Sections 15(2) of the Immoral Traffic (Prevention) Act, would not be applicable for commercial premises.

7. In view of the above said facts, there are no merits in this Petition. Accordingly, this Criminal Original Petition is dismissed. Consequently connected Miscellaneous Petitions are closed.

07.07.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Chief Judicial Magistrate,
Madurai.
2. The Inspector of Police,
Thideer Nagar Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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R.VIJAYAKUMAR,J.

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