

HONOURABLE SRI JUSTICE RAJA ELANGO

-

CRIMINAL PETITION No.11682 OF 2013

-

ORDER:

-

This Criminal Petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') is filed by petitioners-A1 and A2 seeking to quash the proceedings in C.C.No.99 of 2013 on the file of the First Class Magistrate, Excise, at Erramanzil, Hyderabad, for the offences punishable under Sections 3, 4, 5 and 7 (1) of Immoral Traffic (Prevention) Act, 1956, (for short 'the Act').

The Prosecution case is that on 30.11.2012 at 2000 hours, on the credible information indulging in Prostitution activities, the Inspector of Police, PS Panjagutta, along with panch witnesses raided the Flat No.108, Tulip Apartments near Civil Supplies Bhavan, Somajiguda, Hyderabad, and found one woman in the flat. On enquiry, the woman revealed her name as Nilam Das, D/o Raj Kumar Das, aged 22 years, Occ : Sex Worker, N/o Meghnomo, Kalisinka Bhari, Calcutta of West Bengal. Thereafter, the Inspector of Police recorded the confession-cum-seizure panchanamas of accused-persons.

Basing on the complaint, Police registered a case in Crime No.965 of 2012 and after completion of entire

investigation they filed charge sheet against accused for the offences stated above.

Heard and perused.

Learned counsel for petitioners submitted that ingredients of Section 7 of the Act are not attracted against the present petitioners. Thus, he prayed to quash the proceedings against the petitioners.

Section 3 of the Act deals with *punishment for keeping a brothel or allowing premises to be used as a brothel*. Section 4 of the Act speaks about the *punishment for living on the earnings of prostitution*. Section 5 (1) (d) of the Act prescribes *punishment for causing or inducing a person to carry on prostitution*. Section 7 of the Act denotes that the person, who runs brothel house for the purpose of carrying prostitution, is punishable under the Act.

Now the point for consideration before this Court is '*whether the petitioners can be proceeded for the alleged offences mentioned in the charge sheet?*'

Mere perusal of the Sections above mentioned would clearly establish that a person who runs brothel house for the purpose of earnings is liable for punishment under the Act. But, a person, who involves himself with intent to satisfy his sexual urge, cannot be prosecuted under the provisions of the Act. As such,

this Court is of the view that the present complaint against petitioners is erroneous and without any legal basis. Hence, the present complaint is liable to be quashed against petitioners when there is no law to punish them under the provisions of the Act.

Accordingly, the Criminal Petition is allowed and the proceedings against petitioners-accused in C.C.No.99 of 2013 on the file of the First Class Magistrate, Excise at Erramanzil, Hyderabad, are hereby quashed.

JUSTICE RAJA ELANGO

Dated : 30.10.2015

skmr