

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

Crl.P.No.2958 of 2015

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash C.C.No.487 of 2014 as against the petitioners.

2. Learned counsel for the petitioners would submit that the petitioners are arrayed as accused in C.C.No.487 of 2014 and are charged for offences under Sections 3, 4, 5 (1) (d) and 7 (1) of the Immoral Traffic (Prevention) Act, 1956 (for short 'the Act').
3. He contends that the petitioners herein are only customers in the flesh trade and therefore they cannot be prosecuted under the provisions of the Act. He relied on the judgment dt.19-03-2015 in Crl.P.No.1795 of 2015 as well as **Goenka Sajan Kumar Vs. The State of A.P.** and **Z.Lourdiah Naidu Vs. State of Andhra Pradesh**, where similar issue was considered and it was held a customer in the flesh trade cannot be treated as offender under the Act.
4. Having regard to the above decisions, since the petitioners are alleged to be only customers at a brothel house, these proceedings are quashed holding that the provisions of the said Act cannot be invoked for prosecuting them.
5. The Criminal Petition is allowed accordingly and the proceedings against the petitioners in C.C.No.487 of 2014 on the file of the Special Judicial First Class Magistrate for Excise Cases, at Erramanzil, Hyderabad is quashed.
6. As a sequel, the miscellaneous petitions pending, if any,

shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 20-04-2014

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