

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

Crl.P.No.2961 of 2015

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash C.C.No.522 of 2014 on the file of the Special Judicial First Class Magistrate for Excises Cases, at Erramanzil, Hyderabad Police Station.

2. Petitioner herein is A-3 in the said C.C. and it is alleged that he has committed offence under Sections 3, 4, 5 (1) (d) and 7 (1) of the Immoral Traffic (Prevention) Act, 1956 (for short 'the Act').
3. The learned counsel for the petitioner contends that the petitioner herein is customer only in the flesh trade and therefore he 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 petitioner is alleged to be only customer at a brothel house, these proceedings are quashed holding that the provisions of the said Act cannot be invoked for prosecuting him.
5. The Criminal Petition is allowed accordingly and the proceedings against the petitioner in C.C.No.522 of 2014 on the file of the Special Judicial First Class Magistrate for Excise Cases, at Erramanzil, Hyderabad are 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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