

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

CRIMINAL PETITION No.3289 of 2015

ORDER:

This application is filed under Section 482 of Cr.P.C. to quash C.C.No.476 of 2011 on the file of V Additional Judicial First Class Magistrate, Kakinada, East Godavari District against the petitioner.

2. In the said charge sheet, it is alleged that the petitioner has committed the offence punishable under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956.
3. The learned counsel for petitioner submits that petitioner is only a customer visiting the brothel house run by A-4, and that this Court in **Goenka Sajan Kumar Vs. The State of A.P.** and **Z.Lourdiah Naidu Vs. State of Andhra Pradesh** and in the order dt.11-03-2015 in CrI.P.No.1536 of 2015, has held that the provisions of the said Act cannot be invoked for prosecuting persons like the petitioner.
4. The learned Public Prosecutor has not disputed this legal proposition.
5. In this view of the matter, this Criminal Petition is allowed, and the proceedings against the petitioner in C.C.No.476 of 2011 on the file of V Additional Judicial First Class Magistrate, Kakinada, East Godavari District are quashed.
6. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 21-04-2015

Vsv/*