

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3039 of 2015

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ORDER:

This criminal petition is filed under Section 482 of Cr.PC to quash the proceedings against the petitioner/A6 in S.C. No.22 of 2015 on the file of VIII Additional Sessions Judge, Ranga Reddy District at L.B.Nagar.

2. Learned counsel for the petitioner submitted that even if the allegations made in the charge sheet are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner. Learned Public Prosecutor submitted that there is *prima facie* case against the petitioner/A6.

3. The facts leading to filing of the criminal petition briefly are as follows: On 10.4.2014 in the evening, the Sub-Inspector of Police, KPHB Colony P.S., raided the premises bearing Flat No.G3, Amma Bhagwan Apartment, Bandari Lay-out, Nizampet and found A1 to A8 and three female sex workers (L.Ws.1 to 3). On enquiry, A1 revealed that he is the organizer of the brothel business, and A2 to A8 are the customers. The police seized cash of about Rs.29,170/- and cell phones. The Station House Officer, KPHB Colony Police Station registered a case in Crime No.342 of 2014 under Sections 3, 4, 5 and 6 of Immoral Traffic (Prevention) Act, 1956 (for short, the Act) and Section 370-A IPC. After completion of investigation, the Investigating Officer laid charge sheet against the petitioner and others. The learned XIX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur, after satisfying himself with the material placed before him, has taken cognizance of offences under the above referred sections, numbered the charge sheet as P.R.C.No.79 of 2014 and committed the case to the court of session. After committal, the P.R.C. was numbered as S.C.No.22 of 2015 on the file of VIII Additional Sessions Judge, Ranga Reddy District at L.B. Nagar.

4. The crucial question that falls for consideration is whether the proceedings against the petitioner for the offences under Sections 3, 4, 5 and 6 of the Act and Section 370A IPC can be quashed.

5. Even assuming that the petitioner went to the premises with an intention to satisfy his sexual lust, such act of the petitioner will not fall within the ambit of Sections 3, 4,

5 and 6 of the Act. None of these sections speak about punishment of a person, who is visiting the brothel house or any other place of similar nature, to satisfy his sexual lust. The alleged act of the petitioner will not fall within the provisions of Sections 3, 4, 5 and 6 of the Act. My view is fortified in **Goenka Sajan Kumar v State of Andhra Pradesh**, wherein it was held as follows:

5. None of these sections speak about punishment to the customer of a brothel house. Admittedly, the petitioner does not fall under the provisions of Sections 3 to 7 of the Act, as the petitioner was not running a brothel house nor did he allow his premises to be used as a brothel house. The petitioner is not alleged to be living on the earnings of prostitution. It is also not the case of the prosecution that the petitioner was procuring, inducing or in dicing any person for the sake of prostitution nor is it the case of the prosecution that any person was earning on the premises where prostitution is carried out.

6. Section 370-A IPC deals with exploitation of a trafficked person. In this case, the petitioner/A6 is a customer and therefore, the provisions of Section 370-A IPC are not attracted against him.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in the case cited supra, continuation of criminal proceedings against the petitioner would certainly amount to abuse of process of law.

8. In the result, the criminal petition is allowed, quashing the proceedings against the petitioner/A6 in S.C. No.22 of 2015 on the file of VIII Additional Sessions Judge, Ranga Reddy District at L.B.Nagar. Miscellaneous petitions, if any, pending in the criminal petition shall stand closed.

T.SUNIL CHOWDARY, J.

April 06, 2015.

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