

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-7542-2015

Date of decision: 9.3.2015

Manisha

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Ajay Gulati, Advocate for the petitioner

SNEH PRASHAR, J.

By filing the instant petition, the petitioner has sought quashing of FIR No.20 dated 15.1.2015, registered under Sections 3,4 and 5 of the Immoral Traffic (Prevention) Act, 1956 (for short 'the Act'), at Police Station Loharu, District Bhiwani.

The relevant facts are that on 15.1.2015 a secret information was received by Sub Inspector Subash Chander that Mir Singh s/o Harnand Caste Jat, resident of Fartiya Kehar was running a prostitution racket from his paying guest house and on that day a girl had been brought from Rajasthan. After taking necessary steps to inform the senior officers etc. he reached the spot. Mir Singh was present at the seat of Manager. On inquiry, he pointed out towards an unnumbered room and said one person was staying there. But when the room was opened,

one male and a female were found in suspicious situation. On being inquired, the male disclosed his name as Kuldip Singh and the girl as Manisha daughter of Mir Singh. Thus, the allegation was that Mir Singh was getting prostitution done in his paying guest house and alongwith him Kuldip Singh and Manisha had been found to be complicit in committing the offences under Sections 3, 4 and 5 of the Act.

The instant petition was filed by Manisha praying for quashing of the FIR in question.

Mr.Ajay Gulati, Advocate representing the petitioner has been heard.

Learned counsel for the petitioner contends that the petitioner was married and was a close relative of co-accused Kuldip Singh. However, she was arrested alongwith co-accused Kuldip Singh and was enlarged on bail. He further contends that no case for commission of offences under Sections 3,4 and 5 of the Act is made out against the petitioner and therefore, no prosecution could be initiated against her. Even if it is assumed that Mir Singh was running a brothel, the petitioner was a victim and not an offender. She was neither the manager, nor tenant, lessee or occupier of the premises, where the brothel was being run. It could also not be stated that she was living on the earnings of the prostitution or was procuring inducing or taking person for the sake of prostitution.

The instant FIR was registered on 15.1.2015. As admitted by counsel for the petitioner, the investigations are in progress and so far no final report / charge sheet accusing the petitioner of commission of

any offence has been filed by the police in a court of law. At this stage, it shall not be judicious to pass any order, which would scuttle the investigations. Merely on the basis of the presumptions or assumptions, no order can be passed to quash the FIR in question qua the petitioner.

Accordingly, the present petition being devoid of merit is dismissed.

However, anything stated hereinabove shall have no bearing on the merits of the case.

9.3.2015
gsv

(SNEH PRASHAR)
JUDGE