

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.12211 OF 2015

ORDER:

1. This petition is filed by the petitioner-accused No.3 under Section 482 Cr.P.C. seeking to quash the proceedings against him in FIR No.289 of 2015 on the file of the Jagadgirigutta, Cyberabad, registered for the offence punishable under Section 4 of the Immoral Traffic (Prevention) Act against the petitioner.
2. Heard and perused the material available on record.
3. It is alleged that A1, who is running the brothel house at Flat No.S1, III Floor, Ushodaya Colony, Jagadgirigutta, Cyberabad, brought the victim on contract basis. A1 used to send his customers to the above flat. On 12.11.2015 in the evening, A2 to A5 came to the said flat. While, A1 to A5 and the victim were present in the flat, the police caught them.
4. While relying upon the orders of this Court in Criminal Petition No.1533 of 2014, the learned Counsel for the petitioner submitted that even if it is assumed that the allegations made against the petitioner in the report are true, no offence is made out against the petitioner in view of the fact that Section 4 of the Act would be attracted only if a person knowingly lives on the earnings on the 'prostitution' of any other person.
5. The contention raised by the learned Counsel for the petitioner can be accepted in view of the earlier orders of this Court in a case of this nature. In CrI.P.No.1533 of 2014, this Court observed that Section 4 of the Act is to punish the person, who lives on the earnings of a prostitute. In CrI.P.Nos.10266 of 2011 and 4095 of 2013, the same view was taken by this Court. In the instant case, even according to

the prosecution, the petitioner is not living on the earnings of a prostitute. While he was present in the brothel house, the police caught him.

6. In the above circumstances and in the light of the orders of this Court in the above referred Criminal Petitions, this Court is of the view that ingredients of Section 4 of the Act are not made out against the petitioner and therefore, the continuation of the proceedings against the petitioner in FIR No.289 of 2015 amounts to abuse of process of Court.

7. Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioner in FIR No.289 of 2015 on the file of the Jagadgirigutta, Cyberabad. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 30.3.2016

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DATED 30.3.2016

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