

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2270 OF 2016

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 C.C.No.201 of 2015 on the file of XXVI Metropolitan Magistrate, Cyberabad, Maheshwaram.
2. It is alleged that A1 to A7 along with two victims came to the farm house situated at the outskirts of Sirigiripuram village of Maheshwaram Mandal, Ranga Reddy District by two cars and made obscene acts, dances to have sex with the victims. Thus, the petitioner along with others alleged to have committed the offence punishable under Section 294 IPC and Section 5 of PITA Act.
3. It is the case of the petitioner that the petitioner is a customer and as per the judgment of this Court, the customer to a brothel house does not fall under the provisions of the PITA Act and therefore, the petitioner cannot be prosecuted.
4. Heard and perused the material available on record.
5. It is not in dispute that the petitioner is a customer. As rightly contended by the learned Counsel for the petitioner, Section 5 of PITA Act would not attract to the case of the petitioner as he is a customer. Therefore, the offence under Section 5 of PITA Act is liable to be quashed. However, there remains the offence under Section 294 IPC alleged to have been committed by the petitioner.
6. In the above circumstances, the proceedings against the petitioner in the above C.C. are quashed insofar as the offence under Section 5 of the PITA Act is concerned only. Insofar as the offence under Section 294 IPC is concerned, the learned trial Court is directed

to proceed against the petitioner in accordance with the provisions of Section 260 Cr.P.C.

7. Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 24.2.2016
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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 24.2.2016

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