

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

CRM M-28015 of 2014

Date of decision : 12.04.2016

Jaspreet Kaur & anr.

....Petitioners

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. J.S. Dadwal, Advocate for the petitioners.

Ms. Rajni Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

Petitioners seek quashing of FIR registered by Ludhiana police under sections 3, 4, 5, 6, 7 of Immoral Traffic (Prevention) Act 1956.

Learned counsel for the petitioners has contended that ingredients of offence under various sections of the Act are not made out. Besides, petitioners have got married subsequent to the incident. Thus, FIR deserves to be quashes.

Prayer has been opposed by learned State counsel. According to her, a raid was conducted on the hotel in question from where several accused were apprehended while indulging in immoral activities. The owner of the hotel is also an accused in the case and hotel has been closed down. According to her, pleas raised by the petitioners cannot be accepted at this stage as trial is in progress.

I have heard learned counsel for the parties.

It appears that on 06.09.2013, a raid was conducted on a hotel namely Hotel Diamond near bus stand, Ludhiana. This was done pursuant to information received that accused Baljinder Singh Walia and his son were running a flesh trade on large scale in the said hotel. All kinds of immoral activities were taking place there. A raid was, thus, conducted by a team headed by Ms. Gurpreet Kaur, Assistant Commissioner of Police West Ludhiana. Thirty three accused including petitioners were found present in different room of the hotel in compromising position. They were arrested. Investigation was completed and challan was presented before the court.

I am of the considered view that pleas raised by the petitioners which are factual in nature can be considered only after evidence is led before the trial court. Allegation against main accused is that he was bringing professional women from outside to procure customers. At the time of raid, number of rooms were occupied by such persons. Plea that no offence under The Immoral Trafficking Prevention Act 1956 is made out is not tenable at this stage. Same can be appreciated during trial. The stand that after the raid, petitioners solemnized marriage and thus are not amenable to provisions of Act is also without any substance. No ground to interfere in inherent jurisdiction of this court is made out. Dismissed.

April 12, 2016

Ajay

(RAJAN GUPTA)
JUDGE