

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.3443 of 2011

ORDER:

This criminal petition is filed by the petitioner seeking for quash of the proceedings in CC.No.764 of 2010 on the file of the X Additional Chief Metropolitan Magistrate, Secunderabad.

2. Heard learned counsel for the petitioner and learned Public Prosecutor.

3. The counsel for the petitioner contends that the officer, who investigated the case, is not competent under the Immoral Traffic (Prevention) Act, 1956 (for short 'the Act'). He contends that as per Section 13(2) of the Act, the State Government has to appoint a Special Officer for the specified area and under clause (2) the Special Officer shall not be below the rank of Inspector of Police.

4. Learned Public Prosecutor submits that by virtue of G.O.Rt.No.475 Home (POID) Department dated 16.08.2011 all the Inspectors are appointed as Special Officers to deal with the offence under the Act and hence, the contention of the counsel for the petitioner in that regard fails.

5. Counsel for the petitioner makes a further submission that the petitioner herein is stated to be a customer and hence, is not attracted to the offences under Sections 3, 4, and 7 of the Act. He also relies on a decision of this Court in Z. LOURDIAH NAIDU v. STATE OF ANDHRA PRADESH¹ wherein it was held that Sections 3, 4 and 7 are not attracted to the customers.

¹ 2013 (2) ALD (CRL.) 393

6. Hence, going by the above decision, the proceedings against the petitioner need to be quashed.

In the result, the criminal petition is allowed and further proceedings in CC.No.764 of 2010 are hereby quashed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

November 6, 2017
DSK

T. RAJANI, J

