

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL RC No.1037 of 2018

Hotel Ambassador Pallava
Rep. by its Front Office Manager
D.Srinivasan
No.30, Monteith Road
Egmore, Chennai 600 008. Petitioner

Vs.

The State Represented by
The Inspector of Police
AVS, Chintadripet
Chennai 600 002. Respondent

PRAYER: Criminal Revision petition has been filed under Sections 397 and 402 of the Code of Criminal Procedure, praying for setting aside the order of the IV Metropolitan Magistrate, Saidapet, Chennai passed in CrI.M.P.No.1395 of 2018 in AVS Cr.No.75 of 2018 dated 14.08.2018 dismissing the petition filed u/s.451 Cr.P.C. with the relief to return the key of the Room No.315 of the Hotel Ambassador Pallava to the petitioner.

For Petitioner : Mr.R.Rajarithnam

For Respondent : S.Thankira
Government Advocate

O R D E R

The Revision petitioner has filed this criminal revision, challenging the order dated 14.08.2018, wherein, the IV Metropolitan Magistrate, Saidapet, Chennai, has rejected the Petition filed under Section 451 Cr.P.C.

2.The brief facts of the case is that the petitioner is working as a Front Office Manager at Hotel Ambassador Pallava, No.30, Monteith Road, Egmore, Chennai 600 008.

3. On 30.05.2018, one Ms. Sanavar through web portal booked a room in the said hotel and Room No.315 was allotted in her favour on 31.05.2018.

4. When the respondent police raided the said Room No.315, they found three victim girls belonging to other states. Hence, the respondent police arrested the victim girls and locked the room and took away the room key and the same was handed over before the IV Metropolitan Magistrate, Saidapet, Chennai.

5. Thereafter, the petitioner has filed a Petition under Section 451 of Cr.P.C. In CrI.M.P.No.1305 of 2018, to return the room key to the hotel. The same was dismissed, against which, the present Criminal Revision is preferred.

6. The learned counsel appearing for the Revision petitioner would submit that the accused person booked a room through a web portal, namely "Travel Guru" and after following norms prescribed by the law enforcing agency allotted Room No.315 to the accused person.

7. At the time of check in, the customer identification was verified with her Aadhaar card particulars and the copy of the Aadhaar card was also obtained by the Hotel Management as per rules and there is no procedural lapse on the part of the Petitioner Hotel.

8. When the investigation was conducted, the petitioner was also cooperating with the police officials to do their duty when they secured the victim girls from the room. The Trial Court has failed to consider all these facts and rejected the petition filed by the petitioner under Section 451 of Cr.P.C.

9. The learned Government Advocate appearing for the State would submit that when the respondent police raided the room, they could secure three victim girls of other States. Hence, an F.I.R. No.75 of 2018 was registered by the respondent police for the offences under Section 3(2)(a), 4(1) and 5(1)(a) of Immoral Traffic (Prevention) Act, 1956 (hereinafter referred to I.T.P.Act).

10.The petitioner is the Front Office Manager of the Hotel Ambassador Pallava, Egmore, he was not arrayed as accused in the said Crime. However, the room was locked for investigation even after investigation the room is still locked without any valid reason. Hence, he was constrained to file a petition under Section 451 Cr.P.C. for return of Room Key.

11.The Trial Court has dismissed the petition filed by the petitioner on the ground that the respondent police have secured three victim girls out of them two belonged to Northern part of our County and one hails from Nepal. The other accused found absconding.

12.Thus, the respondent police has registered a case under Section 3(2)(a), 4(1) and 5(1)(a) I.T.P.Act. The Investigation Officer secured the victims girls from the said Room No.315 along with some incriminating materials and seized the Master Card (Code 47328), Room Key which was used by the accused persons and the same was sent to the Court Vide Form 95. The learned Magistrate relied upon Section 18 of I.T.P. Act., authorised the Law Enforcing Agency for the closure of place meant for brothel and for eviction of offenders from the premises.

13.Further, it is averred in the impugned order that after the completion of investigation, the main accused i.e. A1 has not been secured till date, hence, the Trial Court dismissed the petition filed for return of the Master Card.

14.In the present case, there is no dispute in the allotment of Room which was allotted through a web portal, Section 18 of I.T.P. Act authorises the law enforcing agency if the particular place is used for brothel. However, in the present case the petitioner has not arrayed as accused in the said Crime and there is no allegation that the hotel is used for brothel. If the place is not used for brothel, the said act does not prohibit to handover the key in favour of the petitioner unless and otherwise the petitioner themselves authorise the prostitution, when the petitioner particularly in the business of hotel.

15.Unless the law enforcing agency establishes with materials that the petitioner is involved in the business of Immoral activities in the hotel. Hence, the rejection of return of Master Card (Room Key) is unsustainable.

16.Accordingly, this Criminal Revision is allowed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Inspector of Police,
AVS, Chintadripet,
Chennai 600 002.
 - 2.The IV Metropolitan Magistrate,
Saidapet, Chennai.
 - 3.The Chief Metropolitan Magistrate,
Egmore, Chennai.
 - 4.The Public Prosecutor,
High Court, Madras.
- +1cc to Mr.R.Rajaratnam, Advocate Sr.64050

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srg 26/09/2018

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