

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.795 OF 2013

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioner/A-2 seeking to quash the proceedings in C.C. No.231 of 2011, pending on the file of the Court of Special Mobile First Class Magistrate, Guntur (for short, 'the trial Court'), registered for the offences punishable under Sections 3 and 4 of the Prevention of Immoral Traffic Act, 1956 (for short, 'the Act of 1956') and Sections 3 and 4 of the A.P. Gaming Act, 1974.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, appearing for the 1st respondent – State. None appears on behalf of the 2nd respondent – *de-facto* complainant, in spite of service of notice.

3. The specific allegation against the Petitioner/A-2 is that he requested A-6 for a VOCSE and A-6, after obtaining permission from A-8, contacted L.W.2, who arrived into the Dwaraka Guest House on the agreement that A-2 has to pay Rs.2,000/- to her and out of the said Rs.2,000/- earned by L.W.2 towards prostitution, A-6 to A-8 would get Rs.1,000/- towards their share for providing facilities for prostitution.

4. Learned counsel for the petitioner submits that since A-2 is only figured as a customer, the offences alleged against him are not attracted and, in support of the same, relied on two judgments of this Court in ***Goenka Sajan Kumar Vs. State of A.P.***¹ and ***Mohammed Shaheed Vs. State of Telangana***²; wherein, this Court in ***Goenka Sajan Kumar***¹ held that a customer of brothel house does not fall under the provisions of Sections 3 to 7 of the Act of 1956 and as such the customer to the brothel house is not punishable and in ***Mohammed Shaheed***² this Court held that a customer to the flesh trade cannot be treated as an offender under the Act of 1956 and the provisions of Sections 3 to 5 of the Act of 1956 are not attracted to him.

¹ 2015 (1) ALT (CrI.) (AP) 85 (SB)

² 2016 (1) ALT (CrI.) (AP) 373 (SB)

5. Hence, in view of the above, this Court opines that continuation of further proceedings against the Petitioner/A-2 would result in sheer abuse of process of law.

6. Accordingly, the Criminal Petition is allowed and all further proceedings against the Petitioner/A-2 in C.C. No.231 of 2011, pending on the file of the Court of Special Mobile First Class Magistrate, Guntur, are hereby quashed.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

T.RAJANI, J

Date: 12.12.2018.
Dsh



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Date. 12.12.2018

DSH