

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.07.2019

CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.19771 of 2019
and
CrI.M.P.No.10138 of 2019

P.Dineshkumar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Through the
Inspector of Police,
Annadanapatty Police Station,
Salem City, Salem.
(Crime No.242 of 2019)

2.B.Kumar

... Respondents

PRAYER: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, praying to call for the records pertaining to the FIR in Crime No.242 of 2019 on the file of the 1st respondent and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.K.S.Karthik Raja

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

ORDER

This petition has been filed seeking to quash the proceedings in Crime No.242 of 2019, pending on the file of the 1st respondent.

2. The learned Additional Public Prosecutor takes notice on behalf of the respondents. On consent by both sides, the main case itself is taken up for hearing.

3. The case of the prosecution is that the respondent police received information that prostitution is going on at a particular hotel. Immediately, the police force reached the hotel and secured A1 and A2. The Accused persons are also said to have confessed that they are involved in prostitution.

4. The petitioner has been added as A3 on the ground that he is the Manager of the concerned hotel.

5. The learned counsel for the petitioner submitted that the petitioner had permitted the accused persons to take a room in the hotel believing that the accused persons belong to the same family and they are the husband, wife and daughter. The petitioner was not aware of the fact that the accused persons had taken the room for a different purpose.

6. The learned counsel for the petitioner brought to the notice of this Court the allegation made against the petitioner in the FIR and submitted that even as per the FIR, the petitioner had allotted room to the accused persons believing that they belong to the same family.

7. Heard the learned Additional Public Prosecutor on behalf of the respondent police.

8. This Court has carefully considered the submissions made on either side and the materials available on record.

9. This Court finds that there are absolutely no materials against the petitioner to show him as accused in the FIR. Even as per the FIR, the petitioner believed that the accused persons are the husband, wife and daughter and he never knew about the real intention of the accused persons in taking the room in the hotel. The Criminal proceedings against the petitioner is abuse of process of law and require interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

10. In the result, the FIR in Crime No. 242 of 2019 is quashed insofar as the petitioner is concerned and this Criminal Original Petition is allowed. It is made clear that the respondent police can proceed further with the investigation as against the other accused persons. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

rri

To

1.The Inspector of Police,
Annadanapatty Police Station,
Salem City, Salem.
(Crime No.242 of 2019)

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.S.Karthik Raja, Advocate, S.R.No.63996

CrI.O.P No.19771 of 2019
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RRS (29/08/2019)



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