

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION Nos.4296 and 5739 of 2017

COMMON ORDER:

1. Both these Criminal Petitions are filed under Section 482 Cr.P.C. seeking to quash S.C.No.711 of 2016 on the file of the learned IX Additional Assistant Sessions Judge, Ranga Reddy District. Hence, they are being heard together and disposed of by a common order.

2. The case of the prosecution in nutshell is that on 07.6.2016, when the Sub-Inspector of Police was on patrolling duty in Malkajgiri area, he received credible information that some persons are running prostitution at G-1, Balaji Towers, Vishnupuri Colony, Anandbah, Malkajgiri; that on entering the said house, he found four persons, i.e., three men and one woman and out of them, two male persons and one female came from the bed room and all the four persons were taken into custody; that accused No.1 took the said house on rent from the owner for the purpose of prostitution; and that accordingly, the Police under the cover of mediator's report registered a case in Crime No.326 of 2016 for the offences punishable under Section 370(A) IPC and Sections 3, 4 and 5 of the Prevention of Immoral Trafficking Act. The same was taken on file as S.C.No.711 of 2016 on the file of the IX Additional Assistant Sessions Judge, Ranga Reddy District.

3. Heard learned counsel for the petitioners/accused Nos.2 and 3 and learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners are residents of Kurnool District and are agriculturists by profession; that accused No.2 to meet his urgent agricultural operations required some amount and requested accused No.3 to extend some financial support who, in turn, promised to provide the same through accused No.1 saying that he is a financier and in that connection, accused No.3 took accused No.2 to the house of accused No.1 on his motor bike; that while, accused Nos.2 and 3 were requesting accused No.1 to arrange the amount, the Police entered into the said house and caught hold of accused Nos.1 to 3 alleging that they are involving in sexual intercourse with the victim, but, in fact, the accused Nos.2 and 3 had nothing to do with the alleged offence. He further submitted that even as per the statement of the victim, there is no mention about the involvement of accused Nos.2 and 3 in the sexual intercourse with her; that a careful perusal of the charge sheet clearly reveals that accused No.1 exploited the victim with an assurance to provide her livelihood and involved her in prostitution with her consent; and as such, exploitation cannot be attributed to accused Nos.2 and 3; that there is no prima facie case made out to connect accused Nos.2 and 3 to the alleged offence and hence, continuation of the proceedings is an

abuse of process of law and prayed to quash the aforesaid Sessions Case against accused Nos.2 and 3.

5. All the contentions raised by the learned Counsel for the petitioners relate to disputed questions of fact. The Court has also been called upon to adjudge the testimonial worth of the prosecution evidence and evaluate the same on the basis of various intricacies of factual details which have been touched upon by the learned Counsel for the petitioner. The veracity and credibility of material furnished on behalf of the prosecution has been questioned and false implication has been pleaded.

6. The law regarding sufficiency of material which may justify the summoning of the accused and also the Court's decisions to proceed against him in a given case is well settled. The Court has to eschew itself from embarking upon a roving enquiry into the last details of the case. It is also not advisable to adjudge whether the case shall ultimately end in conviction or not. Only a *prima facie* satisfaction of the Court about the existence of sufficient ground to proceed in the matter is required.

7. Through a catena of decisions given by the Hon'ble Apex Court, this legal aspect has been expatiated upon at length and the law that has been evolved over a period of several decades is too well settled. The cases of *Chandra Deo Singh Vs. Prakash Chandra Bose*¹, *Vadilal Panchal Vs. Dattatreya Dulaji*

¹ AIR 1963 SC 1430

*Ghadignonker*² and *Smt Nagawwa Vs. Veeranna Shivalingappa Konjalgi*³ may be usefully referred to in this regard.

8. The cases where the allegations made against the accused or the evidence collected by the investigating office do not constitute any offence or where the allegations are absurd or extremely improbable or impossible to believe or where the prosecution is legally barred or where the criminal proceeding is malicious and *mala fide*, instituted with an ulterior motive of grudge and vengeance alone may be fit cases for the High Court in which the criminal proceedings may be quashed. The Hon'ble Apex Court in Bhajan Lal's case (supra) has recognised certain categories in which Section 482 Cr.P.C. or Article 226 of the Constitution of India may be successfully invoked.

9. In view of the settled principles of the above case laws, this Court has adverted to the entire case record. The submissions made by the learned counsel for the petitioners call for adjudication on pure questions of fact which may be adequately adjudicated upon only by the trial Court and while doing so, even the submissions made on points of law can also be more appropriately gone into by the trial Court in this case. This Court does not deem it proper and therefore, cannot be persuaded to have a pre-trial before the actual trial begins. It shall suffice to observe that the perusal of the F.I.R.

² AIR 1960 SC 1113

³ 1976 (3) SCC 736

and the material collected by the investigating officer on the basis of which charge sheet has been submitted makes out a prima facie case against the accused at this stage and there appears to be sufficient ground for proceeding against the accused. I do not find any justification to quash the charge sheet or the proceedings initiated against the petitioners as the case does not fall in any of the categories recognised by the Apex Court which may justify their quashing and the prayer for quashing the C.C. is refused.

10. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending shall stand dismissed.

JUSTICE G. SRI DEVI

30th December, 2019
dr

