

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-35856-2017 (O&M)
Date of Decision : 15.1.2019

Teena and another

....Petitioners

vs.

The State of Punjab and others

...Respondents

CRM-M-42043-2016 (O&M)

Amit Kumar

...Petitioner

vs.

The State of Punjab and others

..Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Arpendeep Narula, Advocate
for the petitioners.

Mr. Pawan Sharda, Senior DAG, Punjab.

AJAY TEWARI, J. (Oral)

The present petitions have been filed under Section 482 Cr.P.C quashing of FIR No. 209 dated 23.12.2014 registered under Sections 3, 4 and 5 of Immoral Traffic Act, 1956, at Police Station Shimlapuri, Ludhiana and all other consequential proceedings arising therefrom.

As per the FIR the allegations were that there is one house of Jassi Aunty in street No.3, Deep Nagar, Gill chowk, Ludhiana where prostitution is going on. On receiving the information decoy customer was sent When he gave signal, raid was conducted and present petitioners were got in objectionable position while note of Rs.500/- was recovered from

Madhu Bala-petitioner No.3 in CRM-M-35856-2017 . Ultimately, charges were framed under Sections 3, 4 and 5 of Immoral Traffic Act, 1956. Learned counsel for the petitioners has argued that there is no allegations under Sections 3, 4 and 5 of Immoral Traffic Act, 1956 against the petitioners and with regard to said Madhu Bala, even if it is assumed that an amount of Rs.500/- was recovered from her it does not bring her within the ambit of Sections 3, 4 and 5 of Immoral Traffic Act, 1956 because it could might have been taken for her own service. In reply, these factual assertions have not been denied and it is mentioned that the petitioners were got in a compromising position.

Sections 3, 4 and 5 of Immoral Traffic Act, 1956 states that the prostitution of one own's body is not a crime and there are no allegations against the petitioners to the effect that they are living on the earning of some other person's prostitution or other ingredients are attached as mentioned in Sections 3, 4 and 5 of Immoral Traffic Act, 1956.

Resultantly, both the petitions are allowed and FIR No. 209 dated 23.12.2014 registered under Sections 3, 4 and 5 of Immoral Traffic Act, 1956, at Police Station Shimlapuri, Ludhiana and all other consequential proceedings arising therefrom are quashed.

Since the main cases have been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

15.1.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No