

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.775 of 2021
and
CRL.MP.Nos.453 & 454 of 2021

T.Thiyagarajan ...Petitioner/Accused No.1
.Vs.

The State rep.by
The Inspector of Police,
Ranipet Police Station,
Ranipet District.
(Crime No.1016 of 2020) .. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the case in C.C.No.61 of 2020 pending on the file of the learned District Munsif cum Judicial Magistrate Court, Ranipet, Ranipet District and quash all further proceedings thereon so far as the petitioner/Accused No.1 herein.

For Petitioner : Mr.G.Saravanan

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

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.61 of 2020, pending on the file of the District Munsif cum Judicial Magistrate Court, Ranipet.

2.The case of the prosecution is that on 18.06.2020, a secret information was received by the Police to the effect that prostitution is conducted in a Lodge named as STARK Residency. On further enquiry, it was found that A 2, who is the Manager of the Lodge had allowed A 3 to A 6 to use the Lodge as a brothel house and three victim women were involved in the said process. An FIR came to be registered in Crime No.1016 of 2020. The petitioner has been arrayed as A 1 since he is the owner of the Lodge.

3.The respondent Police on completion of the investigation, has filed a final report before the Court below and the Court below has taken cognizance of the same for an offence under Section 4(1) and 7(1) (a) of the Immoral Traffic (Prevention) Act 1956, against six accused persons.

4.Heard Mr.G.Saravanan, learned counsel for the petitioner and Mr.M.Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondent.

5.It is seen from records that the petitioner was not even shown as an accused in the FIR and surprisingly even in the FIR, his name has been shown as absconding accused. This was done only on the ground that the petitioner is the owner of the Lodge. None of the victims speak anything about the petitioner and his involvement. The petitioner has been roped in as an accused only based on the confession given by A 2 to the Police. That apart, there are no other materials available against the petitioner.

6.In the considered view of this Court, the confession given by A 2 before the Police is inadmissible in evidence since it is a bar under Section 25 of the Indian Evidence Act. To make the petitioner undergo the ordeal of facing a trial only based on the confession of the co-accused and without there being any other material, will amount to an abuse of process of Court which requires the interference of this Court.

7.In the result, the proceedings in C.C.No.61 of 2020, pending on the file of the District Munsif cum Judicial Magistrate Court, Ranipet, is hereby quashed only insofar as the petitioner is concerned.

8.This Criminal Original Petition is accordingly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Inspector of Police,
Ranipet Police Station,
Ranipet District.

2.District Munsif cum Judicial Magistrate Court,
Ranipet, Ranipet District.

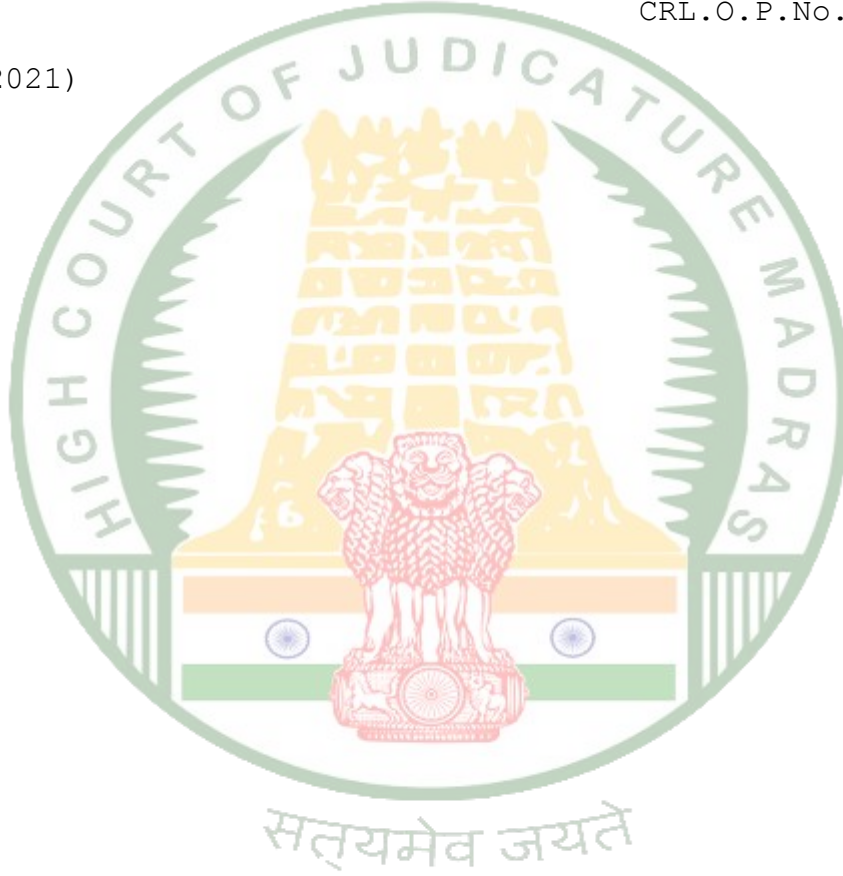
3.Do Thro Chief Judicial Magistrate,
Vellore.

4.The Public Prosecutor,
High Court, Madras.

+lcc to M/s.G.Sravanan, Advocate SR.7468

CRL.O.P.No.775 of 2021

GP(CO)
CB(16/03/2021)



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