



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18907 of 2021

and

CRL.M.P.NOs.10391,10393 &10394 of 2021

G.Dhinesh

...Petitioner

Versus

State represented by the
Inspector of Police
Anti-Vice Squad-2
Chintadripet, Chennai-600 002.
(Crime No.11 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of F.I.R in Crime No.11 of 2021 on the file of the Inspector of Police, Anti-Vice Squad-2, Chennai-2 and quash the same.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner who is accused in Crime No.11 of 2021, for offences under section 3(2)(a), 4(1), 5(1)(a), 5(1)(d) of Immoral Traffic (Prevention) Act, 1956, has filed this quash application.

2.The admitted case of the prosecution is that the petitioner is only a customer and on that premise, he went to the spa center, wherein immoral activities taken place. In the remand report, the same has been recorded, which is also found in the bail order of the petitioner, as observed by the Principal Sessions Judge, Chennai in paragraph 4, which reads as follows:-

"Even as per the remand report, the petitioner was a customer of the massage center. He is in custody from 17.09.2021. Considering the duration of custody and the fact that he is the customer to the center, this court is inclined



to grant bail."

3. The learned counsel for the petitioner submitted that in the Alteration Report, Section 370 A(2) has been included that will also not get attracted in view of the specific case of the prosecution. He further relied on the guidelines prescribed by this Court in Kadek Dwi Ani Rasmini rep. by her power of attorney agent T.Karunadas v. K.Natarajan, Inspector of Police and others, reported in (2019) 1 L.W.(Cri.)94 and S.Rangaraj vs. The Commissioner of Police, Chennai City, Chennai - 8 reported in 2015 (1) L.W.77. He further submitted that the petitioner has also filed a petition in CrI.M.P.No.10394 of 2021 in this Criminal Original Petition seeking return of his mobile phone, which was seized by the respondent police in Crime No.11 of 2021.

4.The learned Additional Public Prosecutor submitted that the case has been registered only on 17.09.2021 and the investigation in this case has commenced recently. He further submitted that the contention of the petitioner would be considered. If the petitioner is not required further in this case, appropriate steps would be taken depending upon the materials collected. He further submitted that the mobile phone is required for the investigation, wherein the petitioners contacted with other persons and other incriminating materials are to be verified and after verification, if it is not required for investigation, the same would be returned to the petitioner.

5.Recording the submissions made on both sides, this Criminal Original Petition is disposed of. Connected M.P's are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

mpl/nr

To

1. The Inspector of Police
Anti-Vice Squad-2
Chintadripet, Chennai-600 002.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Baskaradoss, Advocate, S.R.No.56420

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PMK (CO)

RGA(10/12/2021)