



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.2015 of 2022

and

CRL.M.P. (MD)No.1467 of 2022

WEB COPY

R.Jegadeesh

... Petitioner / Accused No.2

Vs.

1. The State rep. By,  
The Inspector of Police(L&O),  
Annanagar police station,  
Madurai City.  
(Crime No.2285 of 2021)

... Respondent / Complainant

2. Alagarsamy

... Respondent / Defacto Complainant

**Prayer:** Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records of the First Information Report in Crime No.2285 of 2021 dated 27.12.2021 pending on the file of the first respondent police and quash the same as illegal against the petitioner / accused No.2 is concerned.

For Petitioner : Mr.S.J.Vijayaraja

For R-1 : Mr.T.Senthil Kumar,  
Additional Public Prosecutor.

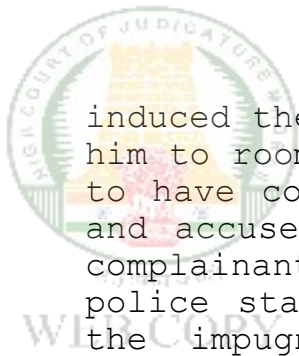
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### O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

2. The petitioner is figuring as the second accused in Crime No.2285 of 2021 registered on the file of Anna Nagar police station for the offences under Sections 3(2)(a), 4(2)(c), 4(1), 5(1)(d), 5(1)(a) and 6(1)(b) of the Immoral Traffic (Prevention) Act, 1956.

3. The defacto complainant is one Alagarsamy. He claimed that he came to Madurai for some personal reasons on 27.12.2021 at around 12.00 noon. He went to Varsha Hotel situated opposite to Apollo Hospital. He saw accused Nos.1 and 2 in the reception counter. He asked for room. The first accused Moorthy asked the defacto complainant if he had come alone. The accused are said to have



induced the defacto complainant to pay a sum of Rs.2,500/- and taken him to room No.106 where a woman was waiting. The said woman is said to have complained to the defacto complainant that the hotel owner and accused Nos.1 and 2 have engaged her for sex work. The defacto complainant is said to have brought this to the notice of the local police station by lodging a written complaint. Based on the same, the impugned First Information Report was registered and the petitioner was also arrested.

4. The petitioner is an M.B.A. Graduate. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds.

5. I went through the materials enclosed in the typed set of papers. The petitioner in his grounds had specifically contended that the matter was duly enquired into by a woman Inspector of Police Anti-Vice Squad and that she knows that the petitioner is absolutely innocent.

6. The petitioner has also enclosed certain photographs in the typed set of papers. On carefully going through the petitioner's representation and also the other materials, I am of the view that the matter has to be probed by the Commissioner of Police, Madurai City. Exercising jurisdiction under Section 482 of Cr.P.C., I am not in a position to undertake a factual probe. If the Commissioner of Police, Madurai City, comes to the conclusion that the petitioner deserves to be a witness, then he will issue appropriate directions and the first respondent will file final report accordingly. I leave the matter entirely to the discretion of the Commissioner of Police, Madurai City.

7. In this view of the matter, the Commissioner of Police, Madurai City, is directed to go into the representation dated 09.01.2022 submitted by the petitioner. The woman Inspector of Police referred to in the memorandum of grounds will also be enquired. The Commissioner of Police will issue appropriate directions to the first respondent and final report shall be filed on that basis. All the contentions and the defences of the petitioner are left open.

8. This criminal original petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

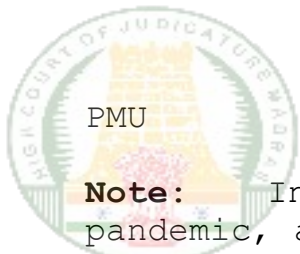
Sd/-

Assistant Registrar (Admin I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



PMU

**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

**To:**

- 1 The Commissioner of Police,  
Madurai City.
2. The Inspector of Police(L&O),  
Annanagar police station,  
Madurai City.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

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MK/18.05.2022/3P/4C