



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.3237 of 2020

&

Crl.M.P. (MD)No.1706 of 2020

WEB COPY

1. B.Udhayakumar
2. Sathis @ Satheesh Kumar ... Petitioners/Accused No 1 & 2

Vs.

1.The Inspector of Police,
S.S. Colony Police Station,
Madurai.
(In Crime No.953 of 2019.) ... Respondent/Complainant

2.The Sub Inspector of Police,
S.S.Colony Police Station,
Madurai ...2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C.to call for the records pertaining to the Impugned FIR in Crime No.953 of 2019 dated 23.09.2019, on the file of the 1st respondent police and to quash the same as against the petitioners illegal.

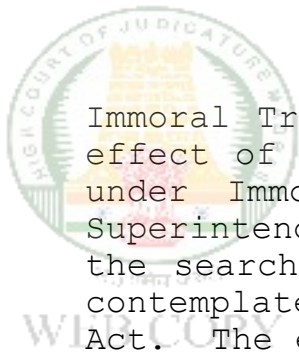
For Petitioners : Mr.J.William Christopher
For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No. 953 of 2019 on the file of the 1st Respondent.

2.In this case, there are totally four accused and the petitioners are A1 and A2. On the complaint lodged by the second respondent, the case has been registered in Crime No.953 of 2019, alleging that the second respondent police party conducted search at ISRAA SPA on 23.09.2019 at about 01.00PM and found that the accused persons were indulged in illegal running of prostitution in the SPA.

3.Already, in this case A3 and A4 approached this court in Crl.O.P(MD) Nos. 16310 & 17442 of 2019 to quash the alleged FIR and this Court on 10.02.2020, allowed the petition, thereby quashed the FIR, as far as the A3 & A4 are concerned, on the ground that the first respondent is not a Special Officer, as mentioned under the



Immoral Traffic (Prevention) Act. There is no authorization to the effect of conferring as such special status as to discharge a duty under Immoral Traffic (Prevention) Act. That apart, the Deputy Superintendent of police, who had sanctioned permission to conduct the search, is also not found to be a Special Police Officer, as contemplated under section 2(1)(j) of Immoral Traffic (Prevention) Act. The entire proceedings initiated by the respondent is vitiated and it is nothing, but, clear abuse of process of law. In view of the above order passed by this court, these petitioners are also entitled for the same benefit.

4. Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No.953 of 2019, on the file of the first respondent police is hereby quashed as far as the petitioners alone. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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 Inspector of Police,
S.S. Colony Police Station,
Madurai.
2. The Sub Inspector of Police,
S.S.Colony Police Station,
Madurai
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN

Crl.O.P. (MD)No.3237 of 2020
& Crl.M.P. (MD)No.1706 of 2020

07.03.2022

NSN (CO)

GC (24.03.2022) 2P 4C

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