



WEB COPY

Crl.O.P.(MD)No.4337 of 2020

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.4337 of 2020

&

Crl.M.P.(MD)No.2430 of 2020

Vignesh

...Petitioner/7th Accused

Vs.

1.State represented by
Inspector of Police,
Koodal Pudur Police Station,
Madurai City.

...Respondent/Complainant

2. Thirupathi,
Head Constable 2908,
AHTU,
Madurai City.

...2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C.to call for the records in connection with Crime No.1136 of 2019 on the file of the 1st respondent police and quash the F.I.R in so far as the petitioner is concerned.

For Petitioner : Mr.S.Poornachandran

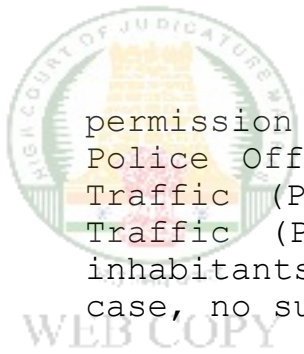
For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No. 1136 of 2019 on the file of the 1st Respondent.

2.In this case, there are totally seven accused and the petitioner is the seventh accused. On the complaint lodged by the second respondent, the case has been registered in Crime No.1136 of 2019, alleging that the second respondent police party conducted search at Arokyia Ayurvedic Clinic and found that the accused persons were indulged in illegal running of prostitution in the Clinic.

3.The learned counsel appearing for the petitioner would submit that the first respondent is not a Special Officer, as mentioned under the Immoral Traffic (Prevention) Act, 1956. There is no authorization to the effect of conferring as such special status as to discharge a duty under Immoral Traffic (Prevention) Act, 1956. 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. As per Section 15(2) of the Immoral Traffic (Prevention) Act mandates that two or more respectable inhabitants should be called upon for witness to the search. In this case, no such witnesses were called upon.

4.In view of the above, the entire proceedings initiated by the respondent is vitiated and it is nothing, but, clear abuse of process of law.

5.Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No.1136 of 2019, on the file of the first respondent police is hereby quashed as far as the petitioner alone. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// 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,
Koodal Pudur Police Station,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.POORNACHANDRAN, Advocate (SR-10678[F] dated 08/03/2022)

Crl.O.P. (MD)No.4337 of 2020
& Crl.M.P. (MD)No.2430 of 2020
07.03.2022

MGJ(25.03.2022) 2P 4C