

THE HON'BLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION NOS. 9209, 9210 & 9220 OF 2022

COMMON ORDER:

Heard learned counsel for the petitioners and learned Assistant Public Prosecutor for the 1st and 2nd respondents.

2. These criminal petitions are filed under Section 482 of Code of Criminal Procedure (for short 'the Cr.P.C') by the accused nos. 6,4 and 5 respectively to quash the proceedings in the FIR No. 827 of 2022 of Police Station, Banjara Hills, Hyderabad on the file of the III Additional. Chief Metropolitan Magistrate at Nampally, Hyderabad registered under Sections 370, 370 (A) (2) of the Indian Penal Code (for short 'the IPC') & 3, 4 & 5 Prevention of Immoral Trafficking Act (for short 'the PIT Act').

3. The prosecution case in brief is that on 13.10.2022 the complainant received information about running of a brothel house in the premises of Runan Thai Spa situated at Road. No. 12, Banjara Hills, Hyderabad. Thereupon the complainant along with team and mediators surprised the premises. At the Spa, they found the accused nos. 2 and 3 at reception area and from the 10 annexed rooms they found three customers/petitioners herein and five victims and recorded their statements and later, proceedings

in a report. Basing on the complaint, the case was registered in Crime No. 827 of 2022 under Sections 370, 370(A)(II) of the IPC and 3,4,5 of the PIT Act.

4. Learned counsel for the petitioners would submit that even as per the prosecution the petitioners/6th, 4th & 5th accused are customers and no averment has been made against them in regard to conducting the alleged business. Therefore, at any stretch of the offences under Section 370 of the IPC and 3,4,5 of the PIT Act does not attract against them. Further pleaded that this Court having regard to the settled legal position quashed the accusations except Section 370 (A)(2) of the IPC against the similarly placed accused, thus prayed for indulgence to that extent in favour of the petitioners. To substantiate, cited the order of this Court dated 08.08.2022 in Criminal Petition Nos. 6806 & 6807 of 2022.

5. Learned Assistant Public Prosecutor would submit that the petitioners were apprehended in the scene and as per the record they are shown as customers. Further, fairly acceded that as per the settled position the other accusations except 370(A)(2) of the IPC would not attract against the petitioners, thus the accusations under the Act 3,4,5 of the PIT Act under Section 370 of the IPC are not sustainable.

6. Pursued the materials. Section 3, 4 & 5 of the PIT Act prescribes punishment for keeping brothels, living and earnings of the prostitution and procuring and inducing the persons for the sake of prostitution and Section 370 of the IPC deals with trafficking of the person. The averments of the complaint on its face value do not disclose or making out any case against the petitioners/6th, 4th & 5th accused under these sections. This position is admitted by the 1st respondent and as per the cited order of this Court the indictment under these sections were quashed against the accused, who are alleged only as customers. However, considering the accusation that the petitioner as customer engaged in exploitation of trafficked person, this court is of considered opinion that the imputation excluding Section 370(A)(2) of the IPC, does not sustain.

7. Resultantly, the accusations under sections 3,4,5 of the PIT Act and Section 370 of the IPC against the petitioners/6th, 4th & 5th accused in FIR No. 827 of 2022 of Police Station, Banjara Hills, Hyderabad on the file of the III Additional Chief Metropolitan Magistrate at Nampally, Hyderabad are hereby quashed.

8. It is needless to say that as indicated above the proceedings stands continued against the petitioners under Section 370 (A) (2) of the IPC.

Accordingly, the petitions filed by the 6th, 4th and 5th accused in Criminal Petition Nos. 9209, 9210 & 9220 of 2022 are allowed in part.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

N. TUKARAMJI, J

Dt: 19.10.2022
Plp/Bw

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION Nos. 9209, 9210, 9220 OF 2022

Date:19.10.2022

Plp/Bw