



CrI.O.P.(MD)No.10388 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CrI.O.P.(MD)No.10388 of 2020

and

CrI.M.P.(MD)Nos.4777 & 4778 of 2020

R.Rajagobal

... Petitioner

Vs.

1.The State rep by
The Inspector of Police,
S.S.Colony Police Station,
Madurai, Madurai District.
(Crime No.473 of 2018)

2.B.Surendar Singh

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with PRC.No.44 of 2020 on the file of the learned Judicial Magistrate No.V, Madurai, Madurai District in relation to Crime No.473 of 2018 on the file of the Inspector of Police, S.S.Colony Police Station, Madurai, Madurai District and quash the same in respect of the petitioner herein as devoid of merits and illegal.



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For Petitioner : Mr.S.Palani Velayutham
For R1 : Mr.M.Sakthi Kumar,
Government Advocate (CrI. Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in PRC.No.44 of 2020 on the file of the learned Judicial Magistrate No.V, Madurai, Madurai District in relation to Crime No.473 of 2018 on the file of the Inspector of Police, S.S.Colony Police Station, Madurai, Madurai District as against the petitioner herein.

2.According to the petitioner, a case in Cr.No.473 of 2018 was registered by the first respondent police on 09.07.2018, on the basis of the complaint given by the second respondent as against the petitioner and five others for the offence under Sections 3(2)(a), 4(2)(c), 4(2)(a), 5(1)(a), 5(1)(d) of the Immoral Traffic Prevention Act, 1956 r/w Section 370(A) (2) IPC r/w Section 34 IPC and thereafter, investigation was undertaken by the first respondent and final report also filed before the



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learned Judicial Magistrate No.V, Madurai and the same was taken on file in PRC.No.44 of 2020. In fact, the petitioner is landlord of the premises and offence was committed only by A1 to A4 and there is no offence committed by the petitioner and he is not a resident of Madurai and he is residing at Chennai. The petitioner is nothing to do with the said occurrence. The petitioner has no knowledge about the prostitution conducted by A1 to A4 and he only let his premises for rent to the other accused. Hence, the pending proceedings as against the petitioner in PRC.No.44 of 2020 is liable to be quashed. No counter was filed by the respondents.

3.The learned counsel appearing for the petitioner would contend that the petitioner is a resident of Chennai and he is the owner of the property and he rented the same to A1 before 10 years. Apart from that, he does not know about the alleged offence. Even according to the complaint and charge sheet, there are only general allegations and there is no specific allegations as against the petitioner. Thereby, the case against the petitioner is liable to be quashed.



4.The learned Government Advocate(Crl.side) appearing for the first respondent would contend that based on the complaint given by the second respondent, the first respondent registered FIR and the petitioner is the owner of the property. Already the case was investigated by the first respondent and as per investigation, there are prima facie materials available to proceed with the case. The petitioner, being the owner of the property, knowing very well about the offence, rented the property for higher rent and thereby, it is matter for trial. At this stage, the case cannot be quashed and this petition is liable to be dismissed.

5.Heard both sides and perused the materials available in the records.

6.On perusal of records shows that the first respondent registered FIR in Cr.No.473 of 2018 as against the petitioner and others for the offence under Sections 3(2)(a), 4(2)(c), 4(2)(a), 5(1)(a), 5(1)(d) of the Immoral Traffic Prevention Act, 1956 r/w Section 370(A) (2) IPC r/w Section 34 IPC and after elaborate investigation, he filed final report. The allegation as against the petitioner is that he rented over the property



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to the first accused by knowing very well that he used the building for prostitution and also he charged excess rent. This allegation needs elaborate trial and offences are also grave in nature. Since already the first respondent has filed final report and the same was taken on file by the learned Magistrate, this Court cannot invoke its inherent power under Section 482 Cr.P.C., at this stage and as per guidelines given by the Hon'ble Supreme Court of India in a case of *M/s Neeharika Infrastructure Pvt. Ltd Vs. State of Maharashtra and others*, this Court need not interfere with the case at this stage. Hence, this petition is liable to be dismissed. If no offences are made out as against the petitioner, he is at liberty to approach the trial Court by way of filing discharge application.

7.In view of the above discussions, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

10.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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P. DHANABAL,J.

gns

To

- 1.The Judicial Magistrate No.V,
Madurai, Madurai District
- 2.The Inspector of Police,
S.S.Colony Police Station,
Madurai, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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