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Crl.O.P.(MD)No.17265 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23/11/2023

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The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.17265 of 2023

and

Crl.MP(MD)No.13689 of 2023

J.Bhavani @ Bavani : Petitioner/A3

Vs.

The State rep. by
The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.

(Crime No.89 of 2023) : Respondent/Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records relating to FIR in Crime No.89 of 2023, dated 18/03/2023 on the file of the Inspector of Police, Rajapalayam South Police Station, Virudhunagar District and quash the same.

For Petitioner : Mr.D.Rajaboopathy

For Respondent : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)



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O R D E R

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This criminal original petition has been filed seeking quashment of the FIR in Crime No.89 of 2023, on the file of the Inspector of Police, Rajapalayam South Police Station, Virudhunagar District.

2.The case of the prosecution in brief:-

The de-facto complainant is the Sub-Inspector of Police attached to Rajapalayam South Police Station. He lodged a complaint stating that on 18/03/2023 at about 01.00 pm along with the team of police officials, on a secret information, visited the house situated in Rajapalayam Vettai Perumal Kovil Street. The police informer identified the house. They searched the house after informing the jurisdiction court. They found some male and female. On enquiry, they revealed that they indulged in immoral traffic. They seized money, collected the address details of the persons found, apart from other articles. On the basis of the complaint, a case in Crime No.89 of 2023 was registered for the offences under sections 3(2)(a), 4(1), 4(2)(c) & 5(1)(a) of Immoral Traffic (Prevention) Act, 1956.



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3. Seeking quashment of the same, this petition is filed by A3 on the ground that none of the allegations mentioned in the FIR attract any of the ingredients of the offences alleged against her.

4. Heard both sides.

5. The main ground on which this petition came to be filed is that she is the owner of the house; when the alleged search was made, she is not residing in India; She is a non Resident India; she was in Bahrain between 06/04/2021 and 06/05/2023.

6. When the search was made on the alleged date of the occurrence ie., on 18/03/2023, she was in Bahrain and not in India. To show the same, she has also produced the passport details, which shows that apparently this petitioner was not available in India on the date of the alleged occurrence.

7. In the FIR itself, it has been stated that one Muthumari was found in the house; that she is a tenant in that house by payment of Rs.10,000/- as advance and Rs.4,000/- as monthly rent. So it is seen that without the knowledge of this petitioner, the main accused



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indulged in immoral trafficking. So the petitioner cannot be penalized for the act committed by the main accused.

8.It is not the case of the prosecution that this petitioner knowingly rented the house to A1. On the said ground, the criminal prosecution against the petitioner is bad in law.

9.In the result, this criminal original petition is **allowed**. The FIR in Crime No.89 of 2023 on the file of the Inspector of Police, Rajapalayam South Police Station, Virudhunagar is quashed against the petitioner. Consequently, connected Miscellaneous Petition is closed.

23/11/2023

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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