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Crl.O.P.No.21582 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:04.09.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.21582 of 2024

Rayar

...Petitioner

/versus/

The State rep.by  
The Inspector of Police,  
Virudhachalam Police Station,  
Cuddalore District.

.. Respondent

Criminal Original Petition has been filed under Section 582 of BNSS, to call for records in C.C.No.12 of 2024 on the file of the Hon'ble Judicial Magistrate No.I, Virudhachalam and quash the same.

For Petitioner :Mr.V.Panjalirajan

For Respondent :Mr.S.Udayakumar  
Govt.Advocate (Crl.Side)

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### ORDER

The petitioner/A3 facing the trial for the offence under Sections 4 (1), 7(1)(a) of the Immoral Traffic (Prevention) Act, 1956 (in short “ITP Act”) is before this Court to quash the complaint stating that he is an innocent person, hailing from the decent family. The case has been foisted against him for being vociferous to protect the people welfare. At the same time, he also stated that he was only a customer and not a person involved in prostitution engaging ladies.

2. On reading out Section, under which he is prosecuted, the counsel would submit that, final report does not attract the ingredient of Section 7(1)(a) of ITP Act.

3. Section 7(1)(a) of the Immoral Traffic (Prevention) Act, 1956 reads as below:-

**“7. Prostitution in or in the vicinity of public places—**(1) Any [person], who carries on prostitution and the person with whom such prostitution is carried on, in any premises,—



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(a) which are within the area or areas, notified under sub-section (3) or

(b) which are within a distance of two hundred metres of any place of public religious worship, educational institution, hostel, hospital, nursing home or such other public place of any kind as may be notified in this behalf by the Commissioner of Police or magistrate in the manner prescribed,

shall be punishable with imprisonment for a term which may extend to three months.”

4. Sub Section 3 empowers the State Government to specify the area where prostitution shall not be carried on by way of a Notification.

5. Final Report as against the petitioner is that he along with A2 had engaged in prostitution. This petitioner used to entice customers for the flesh trade.

6. The learned counsel appearing for the petitioner claims that the petitioner was one of the customer but not the person engaged in flesh trade along with A2.

7. However, the statements of the witnesses disclosed that the



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petitioner and the second accused had a trade proximity. In any event, the presence of the petitioner in the place where the alleged prostitution was carried out, was not denied. Whether he is a customer or the person, who facilitate the crime, is a matter of fact, which has to be decided during the trial. Hence, this Criminal Original Petition is dismissed.

04.09.2024

Index:yes/no

Internet:yes/no

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To

1.Judicial Magistrate No.I, Virudhachalam.

2.The Inspector of Police, Virudhachalam Police Station,  
Cuddalore District.

3.The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.

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