



Crl.O.P.(MD)No.3191 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.3191 of 2023

1.Julius
(Wrongly mentioned as
Juliyas instead of Julius)

... Petitioners/Accused No.5

vs.

1.State Represented by
The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City
(Crime No.731 of 2019)

... 1st Respondent/Complainant

2.Hema mala

... 2nd Respondent/Defacto -
Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pursuant to the proceedings in C.C.No.540 of 2021 on the file of the learned Judicial Magistrate No.II, Madurai and quash the same as illegal as against the petitioner herein.

For Petitioner : Mr.A.Prabhu Raj

For R1 : Mr.A.Albert James
Government Advocate (Crl. Side)

For R2 : Mr.J.Karthikeyan
for M/s.Gandhi Associates



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ORDER

The present Criminal Original Petition has been filed to quash the proceedings in C.C.No.540 of 2021 pending on the file of the learned Judicial Magistrate No.II, Madurai inasmuch as the petitioner herein/Accused No.5 is concerned.

2. The abovesaid case arises out of Crime No.731 of 2019 and the same was registered under Sections 3(1), 4(1), 4(2)(a), 4(2)(c), 5(1)(a) and 5(1)(d) of the Immoral Traffic (Prevention) Act, 1956.

3. When the matter is taken up for hearing, the learned counsel for the petitioner, producing a copy of the order in Crl.O.P.(MD)No.18066 of 2022 which is passed in the same case with reference to the 4th accused, namely C.Karthick, would submit that this Court had taken a view that in view of the settled legal position, the customer cannot be prosecuted for any offences under Sections 3(1), 4(1), 4(2)(a), 4(2)(c), 5(1)(a) and 5(1)(d) of the Immoral Traffic (Prevention) Act, 1956, and upon finding that there is no allegation against the said petitioner therein that he has procured or attempted to procure or procuring persons for the sake of prostitution had



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quashed the case as against the said accused. The petitioner herein was also found along with the victim woman, and there is no allegation that he had procured or attempted to procure or procured persons for the sake of prostitution.

4. The learned Government Advocate (Criminal Side) would also not bring any material to the notice of this Court to differentiate the position of the petitioner herein/Accused No.5 with that of the other Accused No.4. The petitioner herein is also similarly situated as that of the 4th accused.

5. In view thereof, on the same terms of the judgment, dated 21.09.2023, passed in Crl.O.P.(MD)No.18066 of 2022, the present Criminal Original Petition stands allowed. Accordingly, the proceedings in C.C.No.540 of 2021 pending on the file of the learned Judicial Magistrate No.II, Madurai stands quashed as against the petitioner herein/Accused No.5.

06.09.2024

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NCC : Yes / No



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To

- 1.The learned Judicial Magistrate No.II,
Madurai
- 2.The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai



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D.BHARATHA CHAKRAVARTHY, J.

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