



CRL OP(MD). No.6357 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 21.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

**CrI.O.P.(MD). No.6357 of 2024
and
CrI.M.P.(MD)Nos.4807 & 4808 of 2024**

Helan Sophia,

... Petitioner

Vs.

1. The Inspector of Police,
Cantonment Police Station,
Trichy City.
Cr. No. 1118/2023.

2. Akmal Husain,

... Respondents

PRAYER :-This petition is filed under 528 BNSS, to call for the records relating to the impugned charge sheet in PRC No. 7 of 2024 on the file of the learned Judicial Magistrate No.III, Trichy, Trichy District and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.K.Yasar Arafath,

For Respondents : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor for R1

ORDER

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The petition is to quash the impugned final report filed for the offences under Section 3(2)(b) of the Immoral Traffic (Prevention) Act, 1956.

2. The petitioner, who is Accused No.3, is sought to be prosecuted for the offence under Section 3(2)(b) of the Immoral Traffic (Prevention) Act, 1956 [hereinafter referred to as 'the Act'].

3. The gist of the allegation in the final report is that the accused Nos.1 and 2 were running a brothel in the premises in which the petitioner is the landlord and that the petitioner was aware of the fact that the premises was being used for running a brothel.

4. The learned counsel for the petitioner would submit that the accused Nos. 1 and 2 had produced a licence for running a spa at the time of entering into a lease agreement and the petitioner therefore believed that the Accused Nos.1 and 2 were entitled to run a spa in the petitioner's premises and had agreed to enter into a lease agreement with them; and that the petitioner, who is working as a Teacher, was not aware that the

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premises was misused by the accused Nos. 1 and 2 for running a brothel and sought for quashing of the final report.

5. The learned Additional Public Prosecutor, per contra, submitted that though the accused Nos.1 and 2 have produced the alleged licence purported to have been issued by the authorities, the license specifies a particular place for running the spa and that since the accused Nos. 1 and 2 had no licence to run the spa in the premises of the petitioner, the petitioner had leased out the property in violation of the Rules and hence, she is also liable. It is reported by the learned Additional Public Prosecutor that the case has now been committed to Sessions Court in SC No.221 of 2025 on the file of the Principal District and Sessions Judge, Tiruchirappalli .

6. As stated earlier, the petitioner has been charged for the offence under Section 3(2)(b) of the Act. Section 3 of the Act reads as follows:

“3. Punishment for keeping a brothel or allowing premises to be used as a brothel.- (1) Any person who keeps or manages, or acts or assists in the keeping or management of, a brothel shall be punishable on first conviction with rigorous imprisonment for a term of not



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less than one year and not more than three years and also with fine which may extend to two thousand rupees and in the event of a second or subsequent conviction, with rigorous imprisonment for a term of not less than two years and not more than five years and also with fine which may extend to two thousand rupees.

(2) Any person who—

(a) being the tenant, lessee, occupier or person in charge of any premises, uses, or knowingly allows any other person to use, such premises or any part thereof as a brothel, or

(b) being the owner, lessor or landlord of any premises or the agent of such owner, lessor or landlord, lets the same or any part thereof with the knowledge that the same or any part thereof is intended to be used as a brothel, or is wilfully a party to the use of such premises or any part thereof as a brothel, shall be punishable on first conviction with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees and in the event of a second or subsequent conviction, with rigorous imprisonment for a term which may extend to five years and also with fine.”



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7. Therefore, unless the petitioner as a landlord is aware of what is happening in the premises, she would not be made liable for the aforesaid offences. The prosecution presumes knowledge because the other accused did not have a valid license to run their spa in the premises. This Court is of the view that the knowledge of the petitioner of the alleged illegal activities committed by the other accused cannot be presumed merely because the accused Nos. 1 and 2 did not have a valid license to run a spa in the premises though they had a license to run a spa in a different place. There is no other evidence in the impugned final report to show that the petitioner had allowed the other two accused to run a spa in the premises knowing that they were using the spa to commit illegal activities or running a brothel. In the absence of any material evidence of such a kind, the petitioner cannot be prosecuted for the offence under Section 3(2)(b) of the Act. Hence, the impugned proceedings is liable to be quashed insofar as the petitioner alone is concerned. The trial Court shall proceed against the other accused without being influenced by any of the observations made by this Court.



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8. In the result, this Criminal Original Petition is allowed.

Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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TO

1. The Principal District and Sessions Judge,
Tiruchirappalli.

2.The Judicial Magistrate No.III,
Trichy,
Trichy District.

3.The Inspector of Police,
Cantonment Police Station,
Trichy City.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

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