

Crl.O.P.(MD)No.12612 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 28.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.12612 of 2025 and
Crl.MP(MD) Nos.9808 & 9809 of 2025

Muthulakshmi

... Petitioner

Vs

1. The Inspector of Police,
K.Pudur Police Station,
Madurai City.
(Cr. No.2344 / 2020).

2. Sasikumar

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in CC No.554/2021, on the file of the learned Judicial Magistrate No.VI, Madurai and quash the same in respect of the petitioner is concerned.

For Petitioner
For R1

: Mr. T.A. Ebenezer
: Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl.Side)



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ORDER

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The petitioner is A4 in CC No. 554 of 2021, on the file of the learned Judicial Magistrate No.VI, Madurai. She has moved this petition to quash the above proceedings pending as against her.

2. On the complaint lodged by the police constable/the second respondent herein, a raid was conducted in the first respondent's Lodge on 26.10.2020, based on which, the case in Crime No.2344 of 2020 was registered for the offence under Sections 3(2)(a), 4(1), 5(1)(a) and 6(1)(b) of Immoral Trafficking (Prevention) Act, 1956.

3.The learned counsel for the petitioner/A4 submits that this petitioner has been roped in this case that this petitioner assisted the other accused for the commission of offence. Final report has also been filed before the Judicial Magistrate Court VI, Madurai and the same was taken on file in CC No.554 of 2021. He further submits that this petitioner is a sweeper in the first accused Lodge. She is an



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innocent and she was not aware of the immoral traffic offence committed in the first respondent lodge. Without ascertaining the same, the respondent police has filed the final report in a mechanical manner. The learned counsel has also taken a technical point that the raid was conducted by a constable. As per the provisions under the Immoral Trafficking (Prevention) Act, 1956, if any raid has to be conducted, it must be conducted only by a special officer, not below the rank of an Inspector of police. However, a police constable, without any authority has conducted a raid and has also lodged the complaint and the respondent police without considering this legal point under the provisions of the Immoral Trafficking (Prevention) Act, 1956, has mechanically filed the final report. None of the ingredients for the offence under Section 3(2)(a), 4(1), 5(1)(a) and 6(1)(b) of Immoral Trafficking (Prevention) Act, 1956 is made out as against this petitioner. Therefore, the proceedings in CC No.554 of 2021 has to be quashed.

4.Mr.A.S.Abul Kalaam Azad, learned Government Advocate (Crl.Side), who takes notice for the first respondent submits

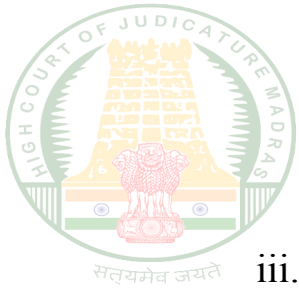


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that on a secret information, the constable has went to the place of occurrence as a customer to find out the truth and it is the Special officer/the Inspector of Police, who has conducted the raid after the intimation from the constable. Therefore, according to him, there is no violation of the provisions under the Immoral Trafficking (Prevention) Act, 1956. With regard to the averment that this petitioner is only a sweeper, the learned Government Advocate submits that the available materials including the statement of the victims revealed that the petitioner is having an active role in the commission of offence and therefore the grounds raised by this petitioner cannot be considered for quashing the proceedings as against this petitioner. The learned Government Advocate has relied on the statement recorded from the victims and states that it is the petitioner, who has received money on behalf of the first accused. The learned Government Advocate has relied on the following Judgments of this Court as well as the Honourable Supreme Court and states that this issue has already been settled.

- i. Crl.OP.No.922 of 2021, dated 29.04.2022
- ii. Crl.A.No.1 of 1967, dated 20.11.1968



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iii. Crl.OP.No.15963 of 2020, July 2022.

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5. In view of the above objections, this Court is not inclined to quash the proceedings on the grounds raised in this petition. Accordingly this Criminal Original Petition is dismissed. It is open to the petitioner to raise these grounds before the trial Court, during the course of trial. Consequently, connected Miscellaneous Petitions are closed.

28.07.2025

NCC : Yes/No
Index : Yes/No
vrn

To

The Inspector of Police,
K.Pudur Police Station,
Madurai City.



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B.PUGALENDHI,J

vrn

Order made in
Crl.OP(MD)No.12612 of 2025 and
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