



CRL OP(MD). No.18413 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27/10/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Sujin @ Sujin Ben Alan Bencehar

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep by the Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.
(In Crime No.103 of 2023).

2.Reju
Special Sub Inspector of Police,
SSI 167,
Pazhugal Police Station,
Kanyakumari.

... Respondents

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, to call for the records of the Charge Sheet in C.C.No.414 of 2024 on the file of the learned Judicial Magistrate Court No.I, Kuzhithurai, Kanniyakumari District and quash the same as illegal.



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For Petitioner : Mr.G.Anto Prince,
Advocate.

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

ORDER

The petitioners seek to quash the impugned charge sheet in C.C.No.414 of 2024, on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari District, which was filed for the offences under Sections 3(1), 3(2)(a), 3(2)(b), 5(1)(a), 4(2)(c) and 7(1)(a) of Immoral Traffic (Prevention) Act, 1956.

2.The gist of the allegation in the final report is that the petitioner and other accused had engaged four ladies for the purpose of running prostitution business in the premises belonging to the fourth accused, in which the first accused was a tenant and that the petitioner along with the third accused were acting as brokers.

3.The learned counsel for the petitioner would submit the impugned prosecution is an abuse of process of law; that FIR states as if the petitioner along the third accused had lured the defacto complainant



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who is the Sub Inspector of police and informed him that in the house belonging to one Dhas, S/o.Ponnumuthu, four ladies have been engaged in prostitution; that on that basis, the Sub Inspector of Police had lodged a complaint; that thereafter none of the ladies, who had allegedly indulged in prostitution were examined; that no independent witnesses were examined by the police; that all the witnesses cited by the respondent are police officials belonging to the respondent police station; that all of them have stated that they went to the premises and the accused confessed their guilt the offence and that therefore that impugned prosecution, which was initiated without following the mandatory provisions, is liable to be quashed.

4.The learned Additional Public Prosecutor, per contra, would submit that the non examination of independent witnesses would not be a ground to quash the proceedings; that the evidence of the police officials cannot be looked at with suspicion and that therefore, the grounds raised by the petitioner have to be adjudicated only in the trial and not in the quash petition.



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5.It is not in dispute that all the witnesses cited by the prosecution are police officers attached to the respondent police station. None of them are witnesses to the alleged offence committed by the petitioner or the other accused. It is their version that they all went to the place of occurrence and the accused confessed to them about the commission of the offence. The said statements, it is needless to say, are inadmissible and prosecution cannot be sustained on such evidence. Be that as it may, the version in the FIR appears to be highly improbable. The petitioner, who is supposed to have called the defacto complainant to the house, is said to have given the names of all the ladies, who allegedly indulged in prostitution. He is also said to have given the father's name and their addresses of the other accused. On the face of it, the FIR appears to be manual by the respondent police. No person, even if they were to induce someone to a prostitution house would give such details. The respondent police are also not chosen to examine any of the ladies, who allegedly indulged in prostitution. Further, the respondent police have violated the mandatory provisions under Section 15 of the Immoral Traffic(Prevention) Act, inasmuch as no warrant was obtained before conducting search in the premises. The two independent witnesses, who



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are respectable inhabitants in the society were also not called before the search was made. Therefore, this Court is of the view that the impugned prosecution is an abuse of the process of law and is liable to be quashed.

6.For all the above reasons, this Criminal Original Petition is allowed and the impugned Charge Sheet in C.C.No.414 of 2024 on the file of the learned Judicial Magistrate Court No.I, Kuzhithurai, Kanniyakumari District, is quashed. Consequently, connected miscellaneous petitions are closed.

27.10.2025

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

1.The Judicial Magistrate No.I,
Kuzhithurai, Kanniyakumari District.

2.The Inspector of Police,
Pazhugal Police Station,
Kanyakumari.

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SUNDER MOHAN,J

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

ORDER
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