



CRL OP(MD). No.18387 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.18387 of 2025

and

CrI.O.P(MD) Nos.15106 and 15108 of 2025

1. Rajinimol

2. Nithya

3. Partipan

... Petitioners

Vs

1.The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
(Crime No.465/2024).

2.Hema Mala
Inspector of Police,
Anti Human Traffic Unit,
Madurai City.

... Respondents

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, to call for the records connected with the case in C.C.No.114 of 2025 pending on the file of the learned Judicial Magistrate VI, Madurai and quash the same as illegal as against the petitioner.



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For Petitioner : Mr.A.Prabhu Raj
Advocate.

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

ORDER

The petitioners seek to quash the impugned final report in C.C.No.114 of 2025 pending on the file of the learned Judicial Magistrate VI, Madurai, which was filed for the offences under Sections 3(2)(a), 4(2)(c), 5(i)(d), 6(i)(b) of Immoral Traffic (Prevention) Act, 1956.

2.The allegation in the final report is that the respondent police conducted a search in the premises of the petitioners and found that the petitioners had induced a lady to indulge in prostitution under the guise of running a SPA and thus committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the respondent police have no jurisdiction to conduct the search without a warrant under Section 15 of the Immoral Traffic (Prevention) Act; that



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the search has to be conducted in the presence of two respectable inhabitants, at least one of whom shall be a woman of the locality; that the search must be conducted by a Special Police Officer, or a Trafficking Police Officer; that if the above mandatory provisions are not complied with, the impugned prosecution would not lie and that sought for quashing of the final report.

4.The learned Additional Public Prosecutor appearing for the respondent police, per contra, would submit that the State Government has issued a general circular stating that the Inspector of Police attached to all the Police Stations have been designated a Special Police Officers and therefore, the search conducted by the Inspector of Police cannot be faulted. He would further draw the attention of this Court to the statements of the victims, who have stated that the petitioners had induced the lady to indulge in prostitution.

5.It is not in dispute that the search was conducted without a warrant, which is mandated under Section 15(1) of the Immoral Traffic (Prevention) Act. It is also not in dispute that the respondent police



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conducted the search without recording the grounds of their belief that search was required to be conducted without undue delay and therefore, no warrant was obtained. That apart, it is also seen that the respondent police have not called upon two respectable inhabitants to attend and witness the search. The witnesses cited by the respondent police, as could be seen from the list, are all police officials. There is no explanation from the respondent police as to why independent inhabitants were not examined. This Court in several cases held that the provisions of Section 15 of the Immoral Traffic (Prevention) Act is mandatory. In Crl.O.P(MD)No.30001 of 2019, Balu Vs The State, Inspector of Police, Reddiarpalayam Police station, this Court had held as follows:

10.This Court has time and again held that if the search and inspection is not carried out by following the procedure prescribed under Section 15 of the Act, the entire proceedings becomes illegal in the eye of law. This is yet another case where the respondent police failed to follow the mandatory procedure under Section 15 of the Act.



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6. The above observations of this Court would squarely apply to the facts of the instant case. Therefore, this Court is of the view that since the respondent police have not followed the mandatory provisions, the prosecution would not lie and the impugned proceedings are liable to be quashed. Accordingly, this Criminal Original Petition is allowed and the impugned final report in C.C.No.114 of 2025 pending on the file of the learned Judicial Magistrate VI, Madurai, 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 Inspector of Police,
Anna Nagar Police Station,
Madurai City.

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



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SUNDER MOHAN,J

CP

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