



CRL OP(MD). No.19330 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 04.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.19330 of 2025

and

CrI.MP(MD)Nos.16191 & 16193 of 2025

Sri Ragu,

... Petitioner

Vs.

The State of Tamilnadu, Rep.,
By the Inspector of Police, Courtallam,
Courtallam Police Station,
Tenkasi District.
(Crime No.667 of 2018).

... Respondent

PRAYER :- This Petition is filed under Section 528 BNSS, to call for the records relating to the charge sheet in C.C.No.137 / 2019 pending before the learned District Munsif Cum Judicial Magistrate, Sengottai and quash the same as against the petitioner.

For Petitioner : Mr.J. Senthil Kumaraiah,

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



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ORDER

The petition is to quash the impugned final report filed for the offence under Sections 4(2)(a), 4(2)(b), 4(2)(c), 5(1)(a), 5 (1)(c), 3(2)(a) of the Immoral Traffic (Prevention) Act, 1956, against the petitioner, who is arrayed as A6.

2. It is the case of the prosecution that the accused were running a brothel house and indulged in prostitution and were earning out of prostitution.

3. The learned counsel for the petitioner would submit that the allegation against the petitioner is that he was the one of the customers and therefore he indulged in prostitution with the ladies in the brothel house and that as a customer he would not be liable for the offence under Section 4(2)(a) of the Immoral Traffic (Prevention) Act .

4. The learned Additional Public Prosecutor on instructions would fairly submit that the petitioner was a customer and there is nothing to



suggest that he was living with or habitually in the company of a prostitute.

5. Admittedly, the petitioner was one of the customers. Section 4 of the Immoral Traffic (Prevention) Act reads as follows:

4. Punishment for living on the earnings of prostitution.—(1) Any person over the age of eighteen years who knowingly lives, wholly or in part, on the earnings of the prostitution of any other person shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both and where such earnings relate to the prostitution of a child or a minor, shall be punishable with imprisonment for a term of not less than seven years and not more than ten years

[(2) Where any person over the age of eighteen years is proved—

(a) to be living with, or to be habitually in the company of, a prostitute; or

(b) to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that such person is aiding, abetting or compelling her prostitution; or

(c) to be acting as a tout or pimp on behalf of a



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prostitute, it shall be presumed, until the contrary is proved, that such person is knowingly living on the earnings of prostitution of another person within the meaning of sub-section (1).]

6. It is not the case of the respondent that the petitioner was living with or habitually in the company of a prostitute. Hence, the allegation against the petitioner would not constitute the offence under Section 4(2) (a) of the Immoral Traffic (Prevention) Act and therefore, this Court is inclined to quash the impugned final report insofar as the petitioner alone is concerned.

7. Accordingly, this Criminal Original Petition is allowed and the impugned final report is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

04.11.2025

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

1. The District Munsif Cum Judicial Magistrate,
Sengottai
2. The Inspector of Police,
Courtallam,
Courtallam Police Station,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

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