



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 10021 of 2026
and Crl.M.P.No.7142 of 2026**

Mumtaj
W/o. Mohammed Ali,
No.86, Puthu Palli Vasal Street,
Sugunapuram East,
Maikkal,
Coimbatore District.

..Petitioner(s)

Vs

1. State Rep. by The Inspector of Police
Kuniamuthur Police Station,
Coimbatore District.
Crime No.15 of 2025
2. Poobalakrishnan
S/o. Ramalingam,
Senkatupudur,
Kurumpalayam,
Sulur Taluk,
Coimbatore District.

..Respondent(s)

Criminal Original Petition is filed under Section 582 of BNSS to call for records relating to the C.C. No.6502 of 2025 on the file of the Learned Judicial Magistrate, Additional Mahila Court, Coimbatore, and quash the same and thus render justice.

For Petitioner(s):

M/s. S.N. Arun Kumar

For Respondent(s):

M/S.R. RAJASEKARAN GA (CRL. SIDE) for R1
COURT NOTICE SERVED FOR R2
R-2 - NO APPEARANCE



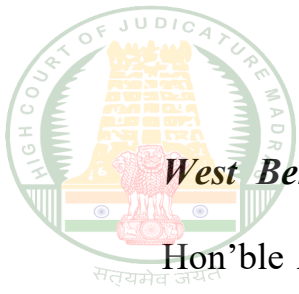
ORDER

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The petitioner / A3 in C.C.No.6502 of 2025 facing trial for the offences under Section 4(2)(c) and 5(1)(d) of Immoral Traffic (Prevention) Act, 1956, had filed this quash petition.

2. The case against the petitioner is that on 23.01.2025 at about 03.00 p.m. when the defacto complainant was standing in a bus stop, one Kalavathi and Saradha approached by him and informed that there is a beautiful woman with them and he can spend happy hours with her by spending Rs.1,000/- each and he can also have physical relationship. Hence, a case has been registered. After investigation, charge sheet has been filed listing witnesses L.W.1 to L.W.5.

3. The contention of the petitioner is that even going by the case of the prosecution it is seen that on 23.01.2025 at about 3.00 p.m. when the defacto complainant was standing near Vijayalakshmi Mill bus stop, A1 and A2 approached him and canvassed him for prostitution. Even going by the statement of the witnesses it is seen that the petitioner is only a victim. He further submitted that in this case there are totally five witnesses and except for the *de facto* complainant all the other are police personnel. Further, relying upon the Hon'ble Apex Court in the case of ***Budhadev Karmaskar vs. the State of***



West Bengal and others reported in 2022 Livelaw (SC) 525 wherein the

Hon'ble Apex Court had held that sex workers are entitled to equal protection of law. Criminal law must apply equally in all cases on the basis of age and consent. The Panel constituted by the Hon'ble Supreme Court recommended in respect of the third term of reference in the following terms:~

“Whenever any brothel is raided, sex workers should not be arrested or penalised or harassed or victimised and it is only the running of the brothel, which is unlawful.”

This principle has been reiterated by the Hon'ble Apex Court in the case of ***Prajwala Vs. Union of India and others reported in 2026 SCC OnLine SC 1053*** wherein it has approved its earlier judgment. Thus the petitioner is only a victim.

4. The learned Counsel for Govt. of Tamil Nadu appearing for R1 submitted that the defacto complainant who is a security guard working in KVB was standing near a bus stop and at that time A1 and A2 canvassed him for prostitution and they have referred the petitioner's name. Thereafter, he had gone to the brothel house and saw the petitioner and she came in closeness with him. Thereafter, the defacto complainant had lodged a complaint before the police and the police had gone to the scene of occurrence and arrested A1 to A3 and seized the articles found in the scene of occurrence and filed the final report listing L.W.1 to L.W.5.



5. Considering the submissions made and upon perusal of materials, it is seen that in this case when the defacto complainant was standing in a bus stop, A1 & A2 introduced themselves and stated that they are having a beautiful women and invited him to have sexual relationship with the said woman by paying Rs.1,000/-. When the defacto complainant went to the place of prostitution, he found the petitioner there and she tried to seduce the defacto complainant and immediately, the defacto complainant left the said place, went to the 1st respondent police station and lodged a complaint and thereafter a case was registered in Crime No.15 of 2025. It is to be seen that LW2 to LW5 went to the scene of occurrence and arrested the accused. Admittedly, at that point of time, there was no seduction or soliciting of any person. It is the submission of defacto complainant that there was some prostitution but without any materials. In this case, the specific charge against the petitioner is under Section 4(2)(c) & 5(1)(d) of ITP Act. Section 4(2)(c) of ITP Act is against the person who is acting as a tout or pimp on behalf of a prostitute.

6. In this case, there is no material to show that there was any touting or pimping by the petitioner. Thus, considering the submissions of witnesses and materials produced, it is seen that there is no case made out against the petitioner and utmost the petitioner is a victim and nothing more. Further, the Hon'ble Apex Court in ***Budhadev Karmaskar's case*** (cited supra) has held that whenever any brothel is raided, sex workers should not be arrested or penalised



or harassed or victimised. In view of the same, this Court is inclined to allow this petition.

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7. Accordingly, the Criminal Original Petition stands allowed and as a sequel, the case in C.C.No.6502 of 2025 on the file of the learned Judicial Magistrate, Additional Mahila Court, Coimbatore, is quashed as against the petitioner and the petitioner is discharged from all charges. Consequently, the connected miscellaneous petition is closed. No costs.

23-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

BKN

To:

1. The Inspector of Police
Kuniamuthur Police Station,
Coimbatore District.
Crime No.15 of 2025

2. Judicial Magistrate, Additional Mahila Court,
Coimbatore.

3. Public Prosecutor, Madras High Court



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CRL OP No. 10021 of 2



M.NIRMAL KUMAR, J.

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