



WEB COPY



Crl.O.P.No.10417 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.04.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.10417 of 2026
and Crl.M.P.No.7436 of 2026

1.Geetha

2.Vaitheeswari

... Petitioners

Vs.

1.The State rep. by
The Inspector of Police,
Peelamedu Police Station,
Coimbatore District.
(Crime No.757/2024)

2.Lakshmanan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for the records relating to
C.C.No.3718 of 2025 on the file of the learned Judicial Magistrate,
Additional Mahila Court, Coimbatore and quash the same.

For Petitioners : Mr.S.N.Arunkumar

For R1 : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor



ORDER

WEB COPY

The petitioners/A3 and A4 in C.C.No.3718 of 2025, who are facing trial for the offence under Section 4(2)(c) of Immoral Traffic (Prevention) Act, 1956 (hereinafter referred to as 'ITP Act') filed this quash petition.

2.The case of the prosecution is that on 30.11.2024 at about 4.00 p.m. the defacto complainant lodged a complaint stating that he is a resident of Srivaikundam, Thoothukudi District and he is known to A1 and A2. The defacto complainant is doing finance business and A1 who is from Tirunelveli and A2 from Nagercoil borrowed loan from the defacto complainant. A1 and A2 running a Spa Centre in Rolex Arcade, Coimbatore. On 30.11.2024 at about 2.30 p.m., the defacto complainant went to the Spa Centre of A1 and A2 seeking for return of money, at that time, A1/Alvin Surya took him inside the Spa Centre where two girls were there who are A3 and A4. A1 informed the defacto complainant that he is running a brothel house and he promised him that he would repay the money the next day and in the meanwhile, the defacto complainant can have pleasurable time with A3 and A4. Further A1 informed that he will call



A2/Joseph Jepinsam who was waiting in the main road and scouting for customers. Since the defacto complainant is not interested, he lodged a complaint to the respondent police and case registered in Crime No.757 of 2024 for the offence under Sections 3(2)(a), 4(2)(c) and 5(1)(d) of ITP Act. On completion of investigation, charge sheet filed listing LW1 to LW11 and documents.

3.The contention of the learned counsel for the petitioners is that in this case charge against the petitioners is under Section 4(2)(c) of ITP Act which is for persons who are soliciting for prostitution. From the entire reading of the statement of witnesses and materials collected, it is clear that the petitioners solicited no customer and it is further seen that the petitioners are only victims and not participators in the crime. The statement given by the defacto complainant is highly imaginary, he has got some financial dispute with A1 and A2 for which he gave a false complaint. Admittedly in this case no customer lodged a complaint, the Special Police Officer not conducted any investigation and whether the first respondent is an authorized person to register a case under ITP Act, no documents produced. In this case, the witnesses examined are to the effect that A1 and A2 are



running Spa Centre without licence and permission but no incriminating materials seized and none lodged a complaint as though it was running as brothel house and the petitioners acted as prostitutes. Utmost the petitioners are only victims and they cannot be pimps in this case.

WEB COPY

4.In support of his contention, the learned counsel for the petitioner relied upon the decision of the Hon'ble Supreme Court in the case of ***Budhadev Karmaskar vs. the State of West Bengal and others*** reported in ***2022 Livelaw (SC) 525*** for the point 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:

“(iii) Whenever there is a raid on any brothel, since voluntary sex work is not illegal and only running the brothel is unlawful, the sex workers concerned should not be arrested or penalised or harassed or victimised.”

5.The learned Additional Public Prosecutor opposed the petitioner's



WEB COPY

contention and submitted that on the complaint of one Lakshmanan, case came to be registered in Crime No.757 of 2024 and thereafter the respondent police went to the scene of occurrence and arrested the petitioners. The premises owner LW6 confirms that in Rolex Arcade a Spa Centre was being run by A1 and A2. In the presence of LW1 and LW3, observation mahazar and rough sketch prepared, arrest and confession of A3 was in the presence of LW4 and LW5. LW6 to LW11 are the Police Personnels. On completion of investigation, charge sheet filed and trial is pending.

6.Considering the submissions made and on perusal of materials, it is seen that in this case the defacto complainant Lakshmanan is a friend of A1 and A2. The defacto complainant had given money to A1 and A2 for their business at Coimbatore. Demanding repayment of money, the defacto complainant came to Coimbatore, at that time, it is projected that A1 took him to Spa Centre and left him with the petitioners/A3 and A4 and they attempted to seduce the defacto complainant. Thereafter, the defacto complainant lodged a complaint to LW10, who registered a case in Crime No.757 of 2024. It is to be seen that LW7 to LW9 went to the scene of occurrence and arrested the accused. Admittedly at that point of time, there



WEB COPY

was no seduction or soliciting of any person. It is the submission of defacto complainant that there was some prostitution but without any materials. The defacto complainant had some financial dealings with A1 and A2. The statement of LW6/Jawad Hussain is clear that it is A1 and A2 in the year 2023 shown the license for running a Spa Centre and taken the premises for rent, other facts are hearsay. In this case, the specific charge against the petitioners is under Section 4(2)(c) 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. In this case, there is no material to show that there was any touting or pimping by the petitioners. Thus, considering the submissions of witnesses and materials produced, it is seen that there is no case made out against the petitioners and utmost the petitioners termed as victims and nothing more.

7. Accordingly, the Criminal Original Petition stands allowed and as a sequel, the case in C.C.No.3718 of 2025 on the file of the learned Judicial Magistrate, Additional Mahila Court, Coimbatore is quashed against the petitioners and they are discharged from all charges.

8. In view of quashing the case in C.C.No.3718 of 2025 against the



Crl.O.P.No.10417 of 2026

petitioners/A3 and A4, the mobile phone Samsung A146 B (1 No.) to be returned to the first petitioner/A3, mobile phones Samsung Galaxy A50 (1 No.) and Vivo Cellphone (1 No.) to be returned to the second petitioner/A4 which were seized by the Police and produced before the Trial Court in P.S.Property Register Nos.545374 and 545375.

24.04.2026

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

To

- 1.The Inspector of Police,
Peelamedu Police Station,
Coimbatore District.
- 2.The Judicial Magistrate,
Additional Mahila Court,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.10417 of 2026

M.NIRMAL KUMAR, J.

cse

Crl.O.P.No.10417 of 2026

24.04.2026