



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

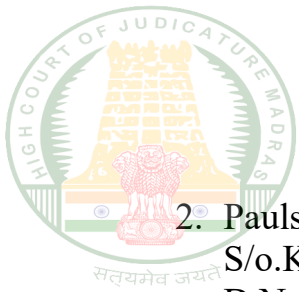
**CRL OP No. 10738 of 2026
and CrI.M.P.No.7599 of 2026**

1. Parvathi
D/o.Seenappa,
Viewers Colony,
Anaikkal Bus Stop Opp.,
Osur,
Bangalore.
2. Nilapar Nisha
D/o.Ansar,
No.18-E1, Govindasamy Nagar,
Mettupalayam,
Coimbatore District.
3. Maheshwari
W/o.Omprakash,
No.3/274, Best Garden,
Ganapathipalayam,
Mangalam,
Tiruppur District.
4. Sabana
W/o.Nizam,
No.55/62, Madhina Nagar,
Mettupalayam,
Coimbatore District.

..Petitioner(s)

Vs

1. State rep.by,
The Inspector of Police,
Kavundamapalaym Police Station,
Coimbatore District,
Cr.No.196 of 2023.



2. Paulsibiyone
S/o.Kannian,
D.No.9/11, Murugan Nagar,
1st Street,
Kannappa Nagar,
Coimbatore District.

..Respondent(s)

Criminal Original Petition is filed under Section 528 of BNSS to call for records relating to the CC.No.2966 of 2025 on the file of the learned Judicial Magistrate, Additional Mahila Court, Coimbatore and quash the same.

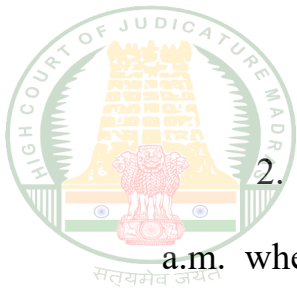
For Petitioner(s): Mr.S.N.Arun Kumar

For Respondent(s): M/S.R. RAJASEKARAN GA (CRL. SIDE) for R1
COURT NOTICE SERVED FOR R2

R-2 - NO APPEARANCE

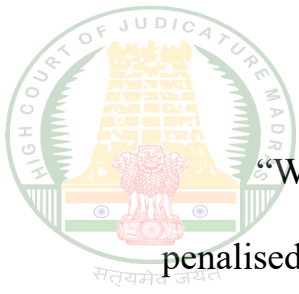
ORDER

The petitioners / A3 to A5 & A7 in C.C.No.2966 of 2025 facing trial for the offences under Sections 3(2)(a), 4(2)(c), 5(1)(d) & 8(a) of Immoral Traffic (Prevention) Act, 1956, had filed this quash petition.



2. The case against the petitioners is that on 27.12.2026 at about 11.00 a.m. when the defacto complainant was walking on the Kannappan Nagar, Sankanur road, A2 introduced himself and stated that he is the Manager of a spa namely “G.J.Queens” along with A1 who is the owner of the spa and informed that there are beautiful women, the petitioners herein, with him in the said spa and he can spend happy hours with them 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.7.

3. The contention of the petitioners is that even going by the case of the prosecution it is seen that on 27.12.2023 at about 11.00 a.m. was walking on Kannappan Nagar, Sankanur road, A2 approached him and canvassed him for prostitution. Even going by the statement of the witnesses it is seen that the petitioners are only a victim. He further submitted that in this case there are totally 7 witnesses. 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:~

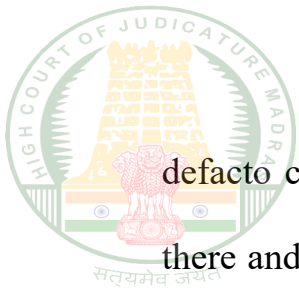


“Whenever any brothel is raided, sex workers should not be arrested or penalised or harassed or victimised and it is only the running of the brothel, which is unlawful.”

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 petitioners are only a victim.

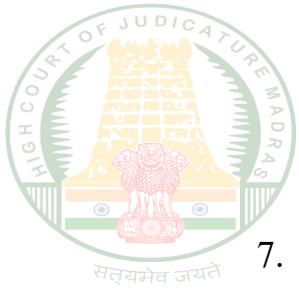
4. The learned Counsel for Govt. of Tamil Nadu appearing for R1 submitted that the defacto complainant was approached by A1 and canvassed him for prostitution with the petitioners. Thereafter, he had gone to the brothel house and saw the petitioners and they came in closeness with him by showing their private parts. 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 A7 and seized the articles found in the scene of occurrence and filed the final report listing L.W.1 to L.W.7.

5. Considering the submissions made and upon perusal of materials, it is seen that in this case when the defacto complainant was walking in Kannappan Nagar, Sankanur road, A2 introduced himself to the defacto complainant and canvassed him for prostitution with the petitioners / A3 to A5 and A7. When the



defacto complainant went to the place of prostitution, he found the petitioners there and they tried to seduce the defacto complainant by showing their private parts 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.196 of 2023. It is to be seen that at the time when the respondent police went to the scene of occurrence and arrested the accused, 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 petitioners is under Section 4(2)(c) & 3(2)(a), 5(1)(d) & 8(a) of ITP Act.

6. On the facts of case it is seen that there is nothing to connect these petitioners for soliciting any client in public area to attract the offence under Section 8(a) 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 are 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.

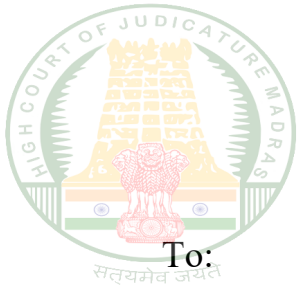


7. Accordingly, the Criminal Original Petition stands allowed and as a sequel, the case in C.C.No.2966 of 2025 on the file of the learned Judicial Magistrate, Additional Mahila Court, Coimbatore, is quashed as against the petitioners and the petitioners are discharged from all charges. Consequently, the connected miscellaneous petition is closed. No costs.

23-06-2026

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

BKN



To:

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1. The Inspector of Police,
Kavundamapalaym Police Station,
Coimbatore District,
Cr.No.196 of 2023.
2. Judicial Magistrate, Additional Mahila Court,
Coimbatore.
3. Public Prosecutor, Madras High Court



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CRL OP No. 10738 of 2



M.NIRMAL KUMAR, J.

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