



WEB COPY



CrI.O.P.No.728 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2026

CORAM:

**THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

CrI.O.P.No.728 of 2026

and

CrI.MP.No.389 of 2026

1. Rachel Marianmai
  2. Bolivi
- ...Petitioners

Vs.

1. State represented by,  
The Inspector of Police,  
C-1, Kattoor Police Station,  
Coimbatore, Coimbatore District.  
Crime No.40 of 2025.
  2. Raja
- ...Respondents

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records, quash the C.C.No.1753 of 2025 pending on the file of the Judicial Magistrate, Additional Mahila Court at Coimbatore District, insofar as the petitioners/Accused Nos.3 & 4 are concerned.

For Petitioners : Mr.C.D.Sugumar

For Respondents : Mr.S.Santhosh, GA (CrI.Side), for R1



Crl.O.P.No.728 of 2026

## **ORDER**

WEB COPY

This criminal original petition has been filed seeking to quash the proceedings in C.C.No.1753 of 2025, pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Coimbatore District, insofar as the petitioners/Accused Nos.3 & 4 are concerned.

2. When the matter was taken up for hearing, the learned counsel for the petitioners brought to the notice of this Court the order passed by a Co-ordinate Bench of this Court in Crl.OP.No.24168 of 2025 dated 06.10.2025, wherein this Court had quashed the impugned proceedings in C.C.No.1753 of 2025, pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Coimbatore District, in respect of the co-accused. He further relied on the decision of the High Court of Karnataka in the case of *Swathi vs. The State of Karnataka and Anr* in *Criminal Petition No.807 of 2024 dated 10.06.2024* and submitted that the petitioners being the victims, cannot be permitted to be prosecuted for the offences under the Immoral Traffic (Prevention) Act, as the same is nothing but an abuse of the process of law. Accordingly, he prayed for quashing the impugned proceedings.



3. Learned Government Advocate (Crl. Side) appearing for the 1<sup>st</sup>

respondent did not dispute the above submission made by the learned counsel for the petitioners.

4. This Court perused the order passed in Crl.OP.No.24168 of 2025 dated 06.10.2025, wherein, this Court has held as under:-

*“Challenging the final report filed in C.C.No.1753 of 2025 on the file of the Additional Mahila Court, Coimbatore for the offences under sections 4[2][c], 3[2][a] and 5[1][d] of Immoral Traffic [Prevention] Act, 1956, the present Criminal Original Petition has been filed.*

*2. The petitioner is arrayed as A5 in the final report. According to the petitioner, she is a victim. Whereas, she has been made as an accused for the offence under section 4[2][c] of ITP Act. The crux of the prosecution case is that, A2 induced the defacto complainant to come to his spa for prostitution where the other accused are present. Except the said allegation, there is no allegation made against the petitioner. According to the petitioner she was involved in prostitution and she is only a victim to the crime. Further there is no materials to show that at the relevant point of time, the petitioner had involved in any sexual act.*

*3. The learned Additional Public Prosecutor appearing for the first respondent submitted that under the pretext of massage centre, a brothel was run by A.1.*

*4. The present petition is filed by A.5. The very final report filed by the Police would indicate that the petitioner was present while sex workers were in the said massage centre. Even if the entire report is taken at its face value, the said report does not show any offence committed by the petitioner,*



except for the alleged presence of the petitioner at the said place. Further, there is no material to show that the petitioner was involved in any sexual act at the said place and that the persons, who have been rescued from the said place have not made any allegation against any of the individuals, much less the petitioner.

5. In this backdrop, the decision of the Hon-ble Apex Court in **BUDHADEV KARMASKAR Vs. THE STATE OF WEST BENGAL & ORS (2022 Live Law (SC) 525)**, assumes significance, wherein, the Hon-ble Apex Court has held that 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.

6. In the case on hand, merely because the petitioner was in the place, which is alleged by the respondents to be a brothel being run by some person, the petitioner cannot be fastened with any penal consequence and further, the act of the petitioner also cannot be said to be an act of pressurising the sex workers to commit acts, which they were not interested. From the aforesaid decision, any sex worker, being an adult and indulging in sexual act with his/her own consent, the police authorities should refrain from taking action against such individuals. From the facts, as is evident from the Final Report, there is no whisper about any coercion on the sex workers to commit the act, more so from the petitioner. That being the case, the petitioner not being alleged to be a person coercing the sex worker to commit the sexual act, continuing the Final Report against this petitioner is nothing but a futile exercise and would serve no purpose.

7. For the reasons aforesaid, this Criminal Original Petition is allowed and the final report filed in C.C.No.1753 of 2025 on the file of the Judicial Magistrate, Additional Mahila Court, insofar as the petitioner, who is arrayed as A~5 is quashed. Consequently, connected miscellaneous petition is closed.”

(emphasis supplied by this Court)



Crl.O.P.No.728 of 2026

5. In view of the above and also considering the fact that though the petitioners herein are arrayed as A3 & A4, the petitioners herein are victims and there is no specific allegation made against the petitioners herein, this Court is inclined to quash the impugned proceedings as against the petitioners herein and accordingly, the impugned proceedings in C.C.No.1753 of 2025, pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Coimbatore District, is hereby quashed in respect of the petitioners herein, who are A3 & A4 respectively.

6. This criminal original petition stands allowed accordingly. Consequently, the connected miscellaneous petition is closed.

**20.01.2026**

skt

Neutral Citation : Yes/No

To:

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

5/6



WEB COPY



Crl.O.P.No.728 of 2026

**A.D.JAGADISH CHANDIRA, J.**

skt

Crl.O.P.No.728 of 2026  
and  
Crl.MP.No.389 of 2026

20.01.2026