

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(120)

CRM-M-64805-2025

Date of Decision: 28.1.2026

Jatin and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

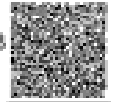
CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Aditya Anand, Advocate
for the petitioner.

KIRTI SINGH, J. (ORAL)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of FIR No. 220 dated 21.10.2023, under Sections 3, 4 and 5 of Immoral Traffic (Prevention) Act, 1956 (for short '*the Act of 1956*'), Sections 177 and 419 IPC and Sections 14/14-C of Foreigners Act, 1946, registered at Police Station Ranjit Avenue, District Police Commissionerate, Amritsar and all other consequential proceedings arising therefrom including the final/inquiry report dated 08.10.2024.

2. The brief facts of the case are that on 21.10.2023 SI Amandeep Kaur received secret information regarding the running of a prostitution racket at First Care Spa, D-Block, Pizzeria market, Ranjit Avenue, Amritsar, under the guise of spa business. Subsequently, a raid was conducted at the said spa centre where several Indian and foreign women as well as the alleged customers, including the present petitioners, who were minor at the relevant time, were arrested. The persons, who were managing the affairs of the said spa centre were taken into custody. The owner of the spa centre



surrendered before the learned Court concerned on 26.2.2024, whereafter he was arrested by the police. After conclusion of investigation, final/inquiry report dated 08.10.2024 was presented before the learned Juvenile Justice Board, Amritsar qua the petitioners.

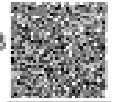
3. Learned counsel for the petitioners submits that the petitioners, aged 17 and 19 years, respectively have been falsely implicated in the present case. It is submitted that the petitioners were the customers at the spa centre concerned, and they were neither the owners, nor were in control of the spa centre concerned. Moreover, there is no material on record to suggest that the petitioners were indulged in trafficking the women, who were allegedly sexually exploited. Furthermore, the petitioners were not found abusing or exploiting any of the girls employed/working in the spa centre. It is also submitted that in the FIR as well as in the final/inquiry report no role has been assigned to the present petitioners. Thus, no case under the alleged offence, is made out against the present petitioners. It is also contended that the similarly situated co-accused Sanyam Devgan, has been exonerated by the police on 25.1.2024 on the basis of an inquiry having been conducted on an application bearing No. 24 PC/P dated 11.1.2024 moved by the said accused. It is, therefore, prayed that the present FIR against the petitioners be quashed.

4. Notice of motion.

5. Ms. Guramrit Kaur, DAG, Punjab accepts notice on behalf of the respondents-State.

6. Learned State counsel opposes the prayer made by the learned counsel for the petitioners. She states that specific allegations have been levelled against the petitioners. Moreover, charges against the petitioners

were framed on 03.3.2025, and the case is fixed for prosecution evidence



before the learned Juvenile Justice Board, Amritsar.

7. Heard the contentions advanced by the learned counsel for the parties and perused record with their able assistance.

8. Before proceeding further, it would be apposite to first advert to settled law with respect to the parameters governing the exercise of jurisdiction of Section 482 of the Code of Criminal Procedure. In a celebrated judgment cited as ***State of Haryana Vs. Bhajan Lal, 1992 SUPP (1) SCC 335***, the Hon'ble Supreme Court has discussed different categories of cases wherein, the power under Section 482 Cr.P.C. could be exercised either to prevent abuse of process of law or otherwise to secure the ends of justice, while also observing that it might not be possible to lay down an exhaustive list or myriad kind of cases where such powers should be exercised. The following principles have been culled out:-

“102 (1) Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

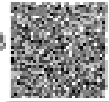
(2) Where the allegations in the First Information Report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155 (2) of the Code;

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a



criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

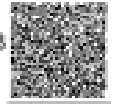
9. It would also be relevant to refer to the judgment dated 22.2.2024 passed by the Hon’ble Allahabad High Court in case titled as ***State of U.P. through Principal Secy. Home Civil Sectt. Lko. And another.,*** wherein it has been observed as under:-

*““29. In the judgements mentioned above, relied upon by the applicant in support of his second contention, the Gujarat High Court, Karnataka High Court, as well as Andhra Pradesh High Court also observed that merely the presence of a person as a customer at a brothel would not attract the ingredients of offence u/s 3/4/5/7/8/9 of the Act. Paragraph No.5 of the judgement in **Goenka Sajan Kumar** (supra) reads as under:-*

"5. None of these sections speaks about punishment to the customer of a brothel house. Admittedly, the petitioner does not fall under the provisions of Sections 3 to 7 of the Act, as the petitioner was not running a brothel house, nor did he allow his premises to be used as a brothel house. The petitioner is not alleged to be living on the earnings of prostitution. It is also not the case of the prosecution that the petitioner was procuring or inducing any person for the sake of prostitution, nor is it the case of the prosecution that any person was earning on the premises where prostitution is carried out."

*30. Similarly, the Andhra Pradesh High Court, in the case of **Nartu Rambabu** (supra), relying upon the judgement in **Goenka Sajan Kumar** (supra). observed in paragraph No.8 that when a person visits a brothel as a customer. then he is not liable for prosecution for the offence u/s 3/4/5 of the Act.*

31. In view of the above analysis, this Court is of the view that if a person visits a brothel, then, at the most, he may be said to be a procurer of a prostitute to satisfy his lust but not for the purpose of prostitution because acquiring a person for prostitution means sexual exploitation or abuse for commercial purposes and not for any other purpose which does not have any commercial purpose or earning money. Therefore, this Court answered both the questions raised in this case. First, a search conducted in violation of Section 15(2) of the Act can be said to be irregular but this ground cannot be the basis for quashing the impugned proceeding u/s 482 Cr.P.C. Still, this ground is available during trial, which can be decided on



the basis of evidence, which may ultimately make the search doubtful. Second, a customer who visits the brothel will not be liable u/s 3/4/5/7/8/9 of the Act.”

10. Admittedly, there is no material on record suggestive that the petitioners were managing the spa concerned or allowing the said premises to be used as such. Furthermore, there was no evidence on record that the petitioners were indulged in trafficking the women who were allegedly sexually exploited. Even there are no allegations against the petitioners qua exploiting or abusing any of the girls working in the spa for any commercial purpose or for earning money or even procured or induced for prostitution. At the most, the petitioners, who were arrested at the spot, at the time of conducting of raid, can be said to be the customers at the said spa centre. Therefore, no case under the alleged offence can be said to be made out against the petitioners.

11. Therefore, taking into account the entirety of the facts and circumstances of this case, and guided by the judicial pronouncement(s) discussed hereinabove, this Court deems it a fit case to quash the criminal proceedings against the petitioners.

12. Resultantly, the present petition is allowed. FIR No. 220 dated 21.10.2023, under Sections 3, 4 and 5 of Immoral Traffic (Prevention) Act, 1956 (for short '*the Act of 1956*'), Sections 177 and 419 IPC and Sections 14/14-C of Foreigners Act, 1946, registered at Police Station Ranjit Aveneue, District Police Commissionerate, and all other consequential proceedings, including the final/inquiry report dated 08.10.2024, are quashed qua the petitioners.

13. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

January 28, 2026
Gurpreet Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No