

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE A.SANTHOSH REDDY

CRIMINAL PETITION NO: 9714 OF 2015

Between:

Perni Rahul, S/o. Vijaya Kumar, Occ: Business, R/o.H.No. 370/140 near
Image Hospital, Rainbow Vistas, Madhapur, Hyderabad:

...PETITIONER/ACCUSED No.7

AND

The State of Telangana, Rep by its Public Prosecutor, High Court at
Hyderabad.

...RESPONDENT/COMPLAINANT

Petition under Section 482 of Cr.P.C praying that in the circumstances
stated in the Memorandum of Grounds of Criminal Petition, the High Court may be
pleased to quash the P.R.C.No.5 of 2015 on the file of IX M.M Cyberabad at
Kukatpally, R.R. District.

CRLPMP. NO: 9772 OF 2015

Petition under Section 482 of Cr.P.C praying that in the circumstances
stated in the Memorandum of Grounds of Criminal Petition, the High Court may be
pleased to grant stay of all further proceedings in P.R.C.No.5 of 2015 on the file of
IX MM Cyberabad at Kukatpally, R.R.District including personal appearance of the
petitioner/A-7 herein.

This Petition coming on for hearing, upon perusing the Memorandum of
Grounds of Criminal Petition and upon hearing the arguments of Sri M. Jayaram
Roddy, Advocate for the Petitioner and the Public Prosecutor (TG) on behalf of the
Respondent.

The Court made the following: ORDER

HON'BLE SRI JUSTICE A.SANTHOSH REDDY

CRL.P.No.9714 OF 2015

ORDER:

This petition is filed under Section 482 Cr.P.C., seeking to quash proceedings against the petitioner, who is A-7 in P.R.C.No.5 of 2015 on the file of IX Metropolitan Magistrate, Kukatpally, Ranga Reddy District.

2. Heard learned counsel for the petitioner/A-7 and the learned Assistant Public Prosecutor representing the State.

3. The allegation against the petitioner is that on credible information of organized prostitution received on 18.01.2015, the police conducted raid at the house of A-5 at Srinivas colony, Manikonda and found A-5 and A-6 indulging in prostitution with victims Pooja @Purvi (LW.5) and Dimple (LW.6) with A-7 and apprehended them on the same day. Thereafter, police, Gachibowli Police Station registered a case in Crime No.16 of 2015 of Gachibowli Police Station, Cyberabad District for the offences punishable under Sections 3,4,5 and 6 of Immoral traffic (Prevention) Act, 1956 (for short "the Act") and 370 (a) (2) IPC. After completion of investigation, the police

filed charge sheet before the IX Metropolitan Magistrate of First Class, Cyberabad at Kukatpally, R.R.District in PRC.No.5 of 2015.

4. Learned counsel for the petitioner submits that the petitioner is only a customer, who visited the said brothel house for prostitution on payment made to other accused and as per the settled law in this regard, customer is not liable for prosecution for any of the offences registered against him. Therefore, allowing the proceedings to be continued against him would amount to abuse of process of Court.
5. In similar circumstances, this Court allowed CrI.P.No. 7756 of 2015 vide order, dated 07.09.2015 and the Andhra Pradesh High Court allowed CrI.P.No.2900 of 2022 vide order, dated 21.04.2022, by following the dictum laid down in *Sri Roopendra Singh v.State of Karnataka*¹ and *Goenka Sajun Kumar v.State of A.P*² and quashed the proceedings against the accused therein, who visited the brothel house for prostitution, on the ground that they are mere customers and they are not liable for prosecution either for the offence under Section 3 or under Section 6 of the Act.


¹ CrI.P.No.312 of 2020 dated 29.01.2021, Karnataka High Court at Bengaluru.
² 2014 (2) ALD (crI) 264

6. Coming to the present case, the petitioner/A-7 is only a customer, who visited the brothel house for prostitution. Further, the facts of the present case are squarely covered by the judgments cited supra. As such, this Court is of the view that continuation of the present proceedings would amount to abuse of process of law.

7. For the reasons stated above, the Criminal Petition is allowed and the proceedings against the petitioner/A-7 in P.R.C.No.5 of 2015 on the file of IX Metropolitan Magistrate, Kukatpally, Ranga Reddy District, are hereby quashed. Miscellaneous petitions, if any, pending shall stand closed.

//TRUE COPY//

SD/- T. JAYASREE
ASISSTANT REGISTRAR


SECTION OFFICER

To,

1. The IX Metropolitan Magistrate, Cyberabad at Kukatpally, Ranga Reddy District.
2. One CC to Sri M. Jayaram Reddy, Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CD Copies
5. One Spare Copy

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HIGH COURT

DATED: 30/06/2022

ORDER

CRL.P.No.9714 of 2015



ALLOWING THE CRIMINAL PETITION

ADJ 7
20/7/2022