

THE HON'BLE SRI JUSTICE D. RAMESH
CRIMINAL PETITION NO.2900 OF 2022

ORDER:-

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C."), is filed seeking quash of the proceedings in P.R.C.No.06 of 2022 on the file of the Special Judicial Magistrate of First Class for Mobile, Guntur.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

3. Learned counsel for the petitioner would submit that based on the information received on 19.10.2020, the police registered crime against the petitioner and after conducting investigation, Charge Sheet was filed before Special Judicial Magistrate of First Class for Mobile, Guntur, in P.R.C.No.06 of 2022 which is under committal stage. The allegation against the petitioner is that at the time when the police raided the brothel house, they found the petitioner herein in the said brother house as customer who visited for prostitution on payment of money to other accused.

4. Learned counsel for the petitioner submits that the petitioner is only 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 for which the F.I.R. is registered. Therefore, he would submit that allowing the proceedings to be continued against the petitioner in the facts and circumstances of the case would amount to abuse of process of Court. Therefore, prayed for quash of the said proceedings against the petitioner.

5. Learned counsel for the petitioner further submits that this is a covered matter in view of the earlier order passed by this Court in Criminal Petition No.3727 of 2020 whereby, this court by following the dictum laid down in case of **Sri Roopendra Singh v. State of Karnataka**¹, **Z.Lourdiah Naidu V. State of A.P.**², **Goenka Sajan Kumar v. State of A.P.**³, has quashed the proceedings against the accused therein, who visited the brothel house for prostitution, on the ground that they are mere customers and not liable for prosecution.

6. Learned Additional Public Prosecutor though opposed the criminal petition, fairly concedes that the petitioner is only customer, who visited the brother house for prostitution on payment and further submitted that this is a covered matter in view of the aforesaid common order passed by this Court and thereby prayed to pass appropriate orders accordingly in this Criminal Petition also.

¹ CrI.P.No.312 of 2020, dated 20.01.2021 of Karnataka High Court at Bengaluru.

² 2013(2)ALD(Cri) 393 = 2014 (1) ALT (Cri) 322 (A.P.).

³ 2014 (2) ALD (Cri) 264 = 2015 (1) ALT (Cri) 85 (A.P.).

7. Therefore, in view of the aforesaid order of this Court and for the reasons stated therein, this Criminal Petition is allowed and the aforesaid P.R.C.No.06 of 2022 on the file of the Special Judicial Magistrate of First Class for Mobile, Guntur, registered against the petitioner, is hereby quashed.

Miscellaneous Petitions, if any pending, in this Criminal Petition, shall stand closed.

D.RAMESH,J

Date: 21.04.2022

PA.

HON'BLE SRI JUSTICE D.RAMESH

CRIMINAL PETITION NO. 2900 of 2022

DATED: 21.04.2022

PA.

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE No:CRL.P.No.2900 of 2022

PROCEEDING SHEET

SL. NO.	<u>DATE</u>	<u>ORDER</u>	<u>OFFICE NOTE</u>
01.	21.04.2022	<p><u>DR, J</u></p> <p align="center"><u>I.A.NO.01/2019</u></p> <p align="center">Dispense with petition is ordered.</p> <p align="right">_____ DR,J</p> <p align="center">CRL.P.No.2900 of 2022</p> <p align="center">Criminal Petition is allowed. (VSO)</p> <p align="right">_____ DR,J</p> <p>PA.</p>	

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FOR CIRCULATION TO HON'BLE JUSTICE SRI D.RAMESH

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IN

CRL.P.NO.1780 OF 2022