

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

**MONDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI

CRIMINAL PETITION NO: 8140 OF 2025

Between:

Sneha Priya, W/o. T Durgesh Age. 35 Years, Occ. Homemaker R/o. 7-2-49/5/109 DNM Colony Sanathnagar, Hyderabad

...PETITIONER/ACCUSED NO.2

AND

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

...RESPONDENT NO.1/COMPLAINANT

2. B. Venugopal, Sub- Inspector of Police PS Punjagutta Hyderabad.

...RESPONDENT NO.2/COMPLAINANT

Petition under Section 528 OF BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings in Cr.No.483/2025 which is pending on the file of PS Panjagutta against the Petitioner/A-2 herein in the interest of justice.

I.A. NO: 2 OF 2025

Petition under Section 528 OF BNSS 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 Crime No.483/2025 which is on the file of PS Punjagutta including arrest of the petitioner/A-2 pending disposal of the present Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri S M SAIFULLAH, Advocate for the Petitioner and SRI SUREPALLI PRASHANTH, the Assistant Public Prosecutor representing SRI PALLE NAGESHWAR RAO, Public Prosecutor for the Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI**CRIMINAL PETITION No.8140 OF 2025****ORDER:**

This Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS') by petitioner/accused to quash the proceedings in Crime No.483 of 2025 on the file of Police Station Punjagutta registered for the offences under Sections 143, 144 (2) Bharatiya Nyaya Sanhita (for short 'BNS') and Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 (for short, 'PITA Act').

2. Heard Mr. S.M.Saifullah, counsel for petitioner/accused No.2 and Mr. Surepalli Prashanth, Assistant Public Prosecutor representing Palle Nageshwar Rao, Public Prosecutor for the respondent – State. Perused the material on record.

3. On the basis of a complaint by Sub Inspector (SI) of Police, Punjagutta, addressed to the Inspector of Police, Punjagutta Police Station, Crime bearing No.483 of 2025,

dated 24.06.2025, is registered under Sections 143 and 144(2) of BNS and Sections 3, 4 & 5 of PITA Act.

4. The gist of the complaint is that on receipt of credible information, SI of Police placed such information before the Assistant Commissioner of Police (ACP), obtained authorization memo for conducting raid on Blue Bells SPA. Information received was that a brothel house was being run by procuring female traffic victims and making them participate in sexual intercourse with customers by collecting amounts. SI of Police with personnel raided the place, as delay might cause disappearance of accused and material evidence, no search warrants were obtained.

5. At the reception of the SPA, they met one Sapa Vanitha, she explained about the packages and services, when queried, she took one of the personnel into a room with a condom packet. Identity was disclosed and the purpose of visit. The victim revealed and stated that owner of SPA was one Thirumala Rao and the Manager was Priya. That the owner and manager were collecting amounts of Rs.1,500/- - Rs.2,000/- from customers and allowing them

to have sexual intercourse with her, she was paid Rs.15,000/- monthly. Two (2) mobile phones and seven (7) unused condoms were seized. Seizure report (in the presence of panchas) was prepared and affixed at the spot. SI of Police requested the Inspector of Police to take action, the owner and manager were absconding.

6. Learned counsel for petitioner/accused No.2 submitted that as per Section 13 of PITA Act the State Government shall specify a Special Officer for each area for dealing with offences under PITA Act and such Officer shall not be below the rank of Inspector of Police. It is submitted that in the present case, it was a SI of Police who carried out the acts, lacks jurisdiction.

7. Learned counsel invited the attention of this Court to Section 15 of the PITA Act and submitted that that where the Special Police Officer has reasonable grounds to believe that an offence punishable under PITA Act has been or is being committed in any premises, he is empowered to carry out a search without a warrant. It is further submitted that Special Officer should be of the rank of Inspector.

8. It is submitted that in the present case, it is the SI of Police, who entered the premises, seized mobile phones and condoms under the cover of seizure report (in the presence of panchas). It is further submitted that the SI of Police is not the Special Officer designated by the State Government for dealing with the offences. It is pointed out that as per sub-section (2) of Section 13 of PITA Act a Special Officer shall not be below the rank of Inspector of Police and that in the present case, it is the SI of Police.

9. Learned counsel submitted that the acts of the SI of Police are not in accordance with law. That registering the case, carrying out investigation are not valid in the eye of law.

10. On the other hand, learned Assistant Public Prosecutor submitted that the nature of allegations are grave, no interference is necessitated and proceedings be permitted to go on.

11. Heard learned counsels, perused the record and considered the submissions.

12. On receipt of information, the SI of Police, Punjagutta Police Station lodged a complaint, Assistant Commissioner of Police authorized the SI of Police to conduct a search and seizure on Blue Bells SPA. The SI of Police lodged the complaint, raided the premises and seized the items under a seizure report (in the presence of panchas), which is not in accordance with the provision of the Act. SI of Police is not empowered under the Act to carry out such search and seizure.

13. This Court requested for the learned Public Prosecutor to address the Court. Public Prosecutor submitted that Section 13 of PITA Act empowers an officer not below the rank of Inspector of Police to act in respect of the offences under PITA Act. It is fairly submitted that a notification is to be issued as per PITA Act, empowering a Special Officer.

14. A counter affidavit is filed by the Inspector of Police, Punjagutta Police Station, it is averred that the Assistant Commissioner of Police issued instructions to SI of Police, on information received, to raid the premises, that due to

paucity of time, SI of Police, raided the premises and registered offences under Section 143 and 144 (2) of BNS and Sections 3, 4 and 5 of PITA Act.

15. The thrust of the contention of learned counsel for petitioner/accused No.2 is that the Act empowers an officer not below the rank of Inspector of Police and that too a Special Officer on notification has to perform the acts. That the empowerment to an Inspector is indicative enough that it is a Special Act for special purposes and the same cannot be ignored.

16. From the facts of the case, it is observed that an officer not empowered as prescribed under Section 13 of PITA Act raided the premises and an FIR came to be registered, Crime No.483 of 2025. The officer, who raided the premises, does not have jurisdiction and is not empowered. The act of registering a crime cannot be sustained as the SI of Police is not empowered under the Act. It is a Special Officer not below the rank of Inspector, on notification, as laid out under Section 13 of PITA Act is empowered. The empowerment to a Special Officer is

indicative of the nature of the offences and the gravity. The authorities cannot direct officer of any rank to take up investigation or raid the premises. Acts carried out and the registration of FIR in Punjagutta Police Station for offences under Sections 143, 144 (2) of BNS and Sections 3, 4 and 5 of PITA Act are by an officer who lacks jurisdiction and the same cannot be sustained.

17. The objects and reasons of PITA Act are as follows:

"STATEMENT OF OBJECTS AND REASONS

(1) In 1950 the Government of India ratified an International Convention for the Suppression of Immoral Traffic in Persons and the Exploitation of the Prostitution of Others. Under Article 23 of the Convention, traffic in human beings is prohibited and any contravention of the prohibition is an offence punishable by law. Under Article 35 such a law has to be passed by Parliament as soon as may be after the commencement of the Constitution.

(2) Legislation on the subject of suppression of immoral traffic does exist in a few States but the laws are neither uniform nor do they go far enough. In the remaining States there is no bar on the subject at all.

(3) In the circumstances it is necessary and desirable that a Central Law should be passed which will not only secure uniformity but also would be sufficiently deterrent for the purpose. But a special feature of the Bill as that it provides that no person or authority other than the State Government shall establish or maintain any protective home except under a licence issued by the State Government. This will check the establishment of homes which are really dens for prostitution."

18. Section 13 of PITA Act is as follows:

“13. Special police officer and advisory body.—(1) There shall be for each area to be specified by the State Government in this behalf a special police officer appointed by or on behalf of that Government, for dealing with offences under this Act in that area.

[(2) The special police officer shall not be below the rank of an Inspector of Police.

(2A) The District Magistrate may, if he considers it necessary or expedient so to do, confer upon any retired police or military officer all or any of the powers conferred by or under this Act on a special police officer, with respect to particular cases or classes of cases or to cases generally:

Provided that no such power shall be conferred on,—

- (a) a retired police officer unless such officer, at the time of his retirement, was holding a post not below the rank of an inspector;
- (b) a retired military officer unless such officer, at the time of his retirement, was holding a post not below the rank of a commissioned officer.]

(3) For the efficient discharge of his functions in relation to offences under this Act,—

(a) the special police officer of an area shall be assisted by such number of subordinate police officers (including women police officers wherever practicable) as the State Government may think fit; and

b) the State Government may associate with the special police officer a non-official advisory body consisting of not more than five leading social welfare workers of that area (including women social welfare workers wherever practicable) to advise him on questions of general importance regarding the working of this Act.

[(4) The Central Government may, for the purpose of investigating any offence under this Act or under any other law for the time being in force dealing with sexual exploitation of persons and committed in more than one State, appoint such number of police officers as trafficking police officers and they shall exercise all the powers and discharge all the functions as are exercisable by special police officers under this Act

with the modification that they shall exercise such powers and discharge such functions in relation to the whole of India.]”

19. Section 15 of PITA Act is as follows:

“15. Search without warrant.—(1) Notwithstanding anything contained in any other law for the time being in force, whenever the special police officer [or the trafficking police officer, as the case may be,] has reasonable grounds for believing that an offence punishable under this Act has been or is being committed in respect of a 5[person] living in any premises, and that search of the premises with warrant cannot be made without undue delay, such officer may, after recording the grounds of his belief, enter and search such premises without a warrant.

(2) Before making a search under sub-section (1), the special police officer [or the trafficking police officer, as the case may be,] shall call upon two or more respectable inhabitants (at least one of whom shall be a woman) of the locality in which the place to be searched is situate, to attend and witness the search, and may issue an order in writing to them or any of them so to do:

[Provided that the requirement as to the respectable inhabitants being from the locality in which the place to be searched is situate shall not apply to a woman required to attend and witness the search.]

(3) Any person who, without reasonable cause, refuses or neglects, to attend and witness a search under this section, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under section 187 of the Indian Penal Code (45 of 1860).

[(4) The special police officer or the trafficking police officer, as the case may be, entering any premises under sub-section (1) shall be entitled to remove therefrom all the persons found therein.]

(5) The special police officer [or the trafficking police officer, as the case may be,] after removing [the [person]] under sub-section (4) shall forthwith produce him before the appropriate magistrate.

[(5A) Any person who is produced before a magistrate under sub-section (5), shall be examined by a registered medical practitioner for the purposes of determination of the age of such person, or for the detection of any injuries as a result of sexual abuse or for the presence of any sexually transmitted diseases.

Explanation.—In this sub-section, “registered medical practitioner” has the same meaning as in the Indian Medical Council Act, 1956 (102 of 1956).]

(6) The special police officer [or the trafficking police officer, as the case may be,] and other persons taking part in, or attending, and witnessing a search shall not be liable to any civil or criminal proceedings against them in respect of anything lawfully done in connection with, or for the purpose of, the search.

[(6A) The special police officer or the trafficking police officer, as the case may be, making a search under this section shall be accompanied by at least two women police officers, and where any woman or girl removed under sub-section (4) is required to be interrogated, it shall be done by a woman police officer and if no woman police officer is available, the interrogation shall be done only in the presence of a lady member of a recognised welfare institution or organisation.

Explanation.—For the purpose of this sub-section and section 17A, “recognised welfare institution or organisation” means such institution or organisation as may be recognised in this behalf by the State Government.]

[(7) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be, apply to any search under this section as they apply to any search made under the authority of a warrant issued under section 94 of the said Code.]”

20. The view of this Court is strengthened by a judgment of the Madras High Court in ***C. Karthick v. the Inspector of Police, Thilagarthidal Police Station, Madurai City***

and Another¹, wherein a learned Single Judge at paragraph No.8 held as follows:

"8. I have examined the provisions of law carefully and I find substance in the arguments advanced on behalf of the petitioners that the investigation of the instant case, under the Special Act, was done by the Sub-Inspector of Police and not by a Special Police Officer in contravention of the provision of Section 13 of Special Act. Similarly, search made and seizure list prepared by the Investigating Officer as well as the informant were not a competent police officer under Section 15 of the Act and therefore, the institution of the case as well as its investigation suffers from material irregularity an illegality and in view of Crl.O.P.(MD).No.18066 of 2022 the lack drop of such irregularity cognizance of the offence taken by the CJM is unsustainable."

21. The view expressed by learned Single Judge of the Madras High Court is inconsonance with the view of this Court.

22. The acts of the SI, a raid on the premises, search and seizure carried out suffer from material irregularity and illegality. The crime registered in furtherance of such acts is unsustainable, proceedings are liable to be quashed. The office of Director General of Police for the State of Telangana is requested to take necessary steps to get the Special Officer(s) appointed for the purposes of the act

¹ Crl.O.P.(MD)No.18066 of 2022 and Crl.M.P.
(MD) Nos.12051 and 12052 of 2022 dated 21.09.2023

(PITA Act) for specified area(s). The Special Officer shall not be below the rank of Inspector of Police. Needless to state that the office of Director General of Police shall get the Special Officer(s) appointed by way of notifications (by Government) as per the provisions of the Act, within a period of four (4) weeks from the date of receipt of a copy of this order.

23. For reasons aforesaid, the Criminal Petition is allowed and the proceedings in Crime No.483 of 2025 on the file of Police Station Punjagutta are liable to be quashed and are accordingly quashed.

Miscellaneous applications pending, if any, shall stand closed.

SD/- A.JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

One Fair Copy to the Hon'ble Sri Justice Anil Kumar Jukanti
(For His Lordships kind Perusal)

To,

1. The XIV Additional Chief Judicial Magistrate at Nampally, Hyderabad.
2. The Station House Officer, PS Punjagutta, Hyderabad.
3. 11 LR Copies
4. The Under Secretary, Union of India, Ministry of Law, Justice and Company Affairs, New Delhi

5. The Secretary, Advocates Association Library, High Court for the State of Telangana, High Court Buildings at Hyderabad
6. One CC to SRI S M SAIFULLAH Advocate [OPUC]
7. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad. [OUT]
8. One CC to Director General of Police, Telangana, Lakdikapul, opposite Ravindra Bharathi, Red Hills, Lakdikapul, Hyderabad, Telangana. [OPUC]
9. Two CD Copies

GR/PSL



HIGH COURT

DATED:08/09/2025

ORDER

CRLP.No.8140 of 2025



ALLOWING THE CRLP

(24) MT
24/10/25