

(2006) 03 MAD CK 0103
In the Madras High Court
Case No : H.C.P. No. 271 of 2006

G. Jebaraj

APPELLANT

Vs

State of Tamil Nadu and Others

RESPONDENT

Date of Decision : 23-03-2006

Acts Referred:

Immoral Traffic (Prevention) Act, 1956 — Section 3(2), 4(1), 5(1), 6(1), 7(1)
Penal Code, 1860 (IPC) — Section 366, 420

Citation : (2006) 03 MAD CK 0103

Hon'ble Judges : P. Sathasivam, J; J.A.K. Sampathkumar, J

Bench : Division Bench

Advocate : D. Geetha, for the Appellant; Abdukumar Rajarathinam, for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner, by name, G. Jebaraj, claiming himself to be the Director of Just Trust having its Office at No. 35, E

Block, M.M.D.A. Colony, Arumbakkam, Chennai 600 106, has filed this petition seeking direction to the respondents for the production of the

victim girl, namely, Nisha wife of Ganesh, aged about 23 years before this Court and set her at liberty.

2. Pursuant to the direction of this Court, the second respondent produced the victim girl, Nisha. We enquired her. According to her, she is aged

about 24 years and at present, she is employed as a Cook in Gracious Home, Plot No. 14, Majestic Colony, Thirumangalam, Anna Nagar,

Chennai 600 040 and getting a salary of Rs. 1,000/- per month.

3. The second respondent, Inspector of Police, Anti-Vice Squad, Greater Chennai City has filed a counter affidavit wherein it is stated that on

18.5.2005 at 21.45 hours a case in AVS. P.S. Crime No. 94/05 under sections 3(2)(1), 4(1), 5(1), 6(1) and 7(1) of Immoral Traffic (

Prevention) Act, 1956 and 366 & 420 I.P.C. Was registered and investigated and a women-broker, Mary @ LIC Mary F/A 60, wife of Joseph

of T. Nagar and one Sumathi F/A 36, wife of Mohan of Old Washermenpet were arrested for running brothel. It is also stated that one Nisha who

was kept in the brothel for prostitution was rescued on 19.5.2005 and they were produced before the 17th Metropolitan Magistrate, Saidapet,

Chennai, who remanded Mary @ LIC Mary and Sumathi to judicial custody and sent the rescued girl Nisha to the Government Home, Mylapore,

Chennai for safe custody. The counter proceeds further that on the same day, a petition was filed before the learned 17th Metropolitan Magistrate

seeking for reintegration of the rescued girl, Nisha with her family and the learned Magistrate passed an order directing the Inspector of Police,

Anti-Vice Squad, Chennai to hand over the rescued girl Nisha to her legal guardian. It is stated that an enquiry was conducted to know about the

veracity of the claim of parent/guardian who sought for custody of the rescued girl, Nisha and it was found that the girl had no parents and none of

the relatives came forward to accept the rescued girl Nisha and so, rehabilitative measures were taken to provide a job for the girl to lead

independent life instead of going back to prostitution and accordingly, several non-governmental organisations were approached and one Dr.

Roseline, Director of Gracious Home came forward to accommodate the rescued girl, Nisha in her home by giving shelter and job. It is further

stated that on 25.1.2006, the rescued girl Nisha was taken from the Government Home as per the orders of 17th Metropolitan Magistrate,

Saidapet, Chennai and Head Constable Sabapathy (No.12388) and female warden Antony ammal(No.67) brought the girl Nisha from the

Government Home to Anti-Vice Squad Police Station from where she was sent to Gracious Home to lead a new independent life and now she is

staying at Gracious Home working as Cook and getting a salary of Rs. 1000/- per month. In the counter affidavit, it is also stated that the above

action was taken purely based on rehabilitation of the rescued girl and by this, the girl has been prevented from falling into the clutches of pimps

and brothel keepers once again.

4. Apart from the above information furnished by the second respondent, learned Government Advocate has also brought to our notice that on

19.5.2005, the said girl was produced before the 17th Metropolitan Magistrate, Saidapet, Chennai and the learned Magistrate passed an order on

the same day to the effect that the girl should be kept in a Home. Learned Government Advocate further submitted that the Home, namely,

Gracious Home, where the girl was sent and is presently staying, is registered and approved by the Government, which is clear from the letter of

the District Social Welfare Officer, Tiruvallur dated 27.5.2005.

5. In the light of the information furnished by the second respondent and in view of the fact that the girl was sent to Gracious Home which is

registered and approved by the Government and also of the statement made by the girl herself that she is employed as Cook getting a salary of Rs.

1,000/- per month and she is comfortable, the girl Nisha is permitted to continue in the same Home, viz., Gracious Home. No further adjudication

is, therefore, required in this petition; accordingly, the same is closed.