

**THE HON'BLE Ms. JUSTICE B.S.BHANUMATHI**

**Criminal Petition No.3201 of 2023**

**ORDER:**

This criminal petition under Section 482 CrPC is filed to quash the proceedings initiated against the petitioner/A46 in P.R.C.No.15 of 2023 on the file of the Court of Chief Metropolitan Magistrate, Vijayawada, N.T.R District, registered for the offences under Sections 354A (i) and 354 B IPC.

2. Heard *Sri Shaik Ismail*, learned counsel for the petitioner/A46 and the learned Assistant Public Prosecutor appearing for the 1<sup>st</sup> respondent/State.

3. The case of the prosecution, briefly, is that on 18.07.2018, at about 11.30 p.m., on receipt of reliable information, the Sub Inspector of Police, Bhavanipuram Police Station, Vijayawada city (LW12) gave information to the Assistant Commissioner of Police, West Division, and obtained search proceedings, *vide* Dis.No.04/ACP-WD/2018, dated 18.07.2018, and thereafter, LW12 along with two Sub Inspectors (LWs 10 and 11) and staff, Task Force Team-I staff and mediators rushed to the Banquet Hall of Olive Tree Hotel, Bhavanipuram, and found fifty (50) male persons consuming liquor in beam light, LED lights while DJ and music

system were playing and five women (LWs 1 to 5) were in a dancing nude on a temporary platform and that men were misbehaving with LWs 1 to 5 and encouraging them by throwing currency notes against them and touching them with hands and harassing them and mentally and physically to dance. It is the further case of the prosecution that LW12 rescued the ladies and provided them cloths and questioned them in the presence of mediators; they confessed that the accused engaged them for dancing by offering huge amount. The police collected the currency notes, recorded the confessional statements of the accused that included A1 to A3 who arranged the party and the other participating accused.

4. Having been aggrieved by the case registered against the accused and commencing proceedings *vide* P.R.C.No.15 of 2023, the present criminal petition is filed mainly challenging that no case is made out against the petitioner except the allegation of mere watching. It is vehemently argued that no offence is made out except the allegation of watching, and therefore, the proceedings are liable to be quashed.

5. Before proceeding further, it is apt to refer Sections 354A and 354B IPC and they read as hereunder:

**“354A Sexual harassment and punishment for sexual harassment: (1) A man committed any of the following acts:**

(i) Physical contact and advances involving unwelcome and explicit sexual overtures; or  
(ii) A demand or request for sexual favours; or  
(iii) Showing pornography against the will of a woman; or  
(iv) making sexually coloured remarks  
shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

**354B. Assault or use of criminal force to woman with intent to disrobe:** Any man who assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, and shall also be liable to fine.”

6. As can be seen from the statements recorded by the Investigating Officer, the allegations that men in a drunken state have touched LWs 1 to 5, disrobed them and highhandedly behaved with them etc., are clearly spelt out. That apart, similar

confessional statements of all the accused were also recorded. The evidentiary value of the confessional statements is a different issue. However, on a reading of the statements of LWs 1 to 5 particularly and the other prosecution witnesses, it cannot be said that the allegation is mere watching as contended by the petitioner. From the statements of the witnesses recorded by the Investigating Officer, the ingredients required for the above offences are *prima facie* made out. Therefore, it is not a matter fit for quashing the proceedings at the threshold. As such, the petition is liable to be dismissed.

7. Accordingly, the Criminal Petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

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**B. S. BHANUMATHI, J**

16.06.2023  
RAR