

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 224 OF 2026**

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|----|-----------------------------------|---|-------------|
| 1) | Hakimuddin Taiyabali Bhorl |] | |
| | Age – 77 Years, Occu. Business, |] | |
| 2) | Fakruddin Taiyabali Bhorl |] | |
| | Age – 75 Years, Occu. Business, |] | |
| 3) | Kasambhai Taiyabali Bhorl |] | |
| | Age-91 Years, Occu. Business, |] | |
| 4) | Alataf Hussain Abdulhusain Bhorl |] | |
| | Age – 53 Years, Occu. Business, |] | |
| 5) | Hussain Anvarbhai Bhorl |] | |
| | Age – 34 Years, Occu. Business, |] | |
| 6) | Ajit Kuraban Hussain Bhorl |] | |
| | Age – 33 Years, Occu. Business, |] | |
| | All R/o. 36 B 23 Venus Villa, |] | |
| | Tarabai Park, Kolhapur |] | Petitioners |
| | versus | | |
| | State of Maharashtra, |] | |
| | Through Shahupuri Police Station, |] | |
| | Kolhapur. |] | Respondent |

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Mr. Kunal V. Patil, a/w Rajnandini P. Katkar, Advocates for Petitioners.
Mr. Pankaj P. Deokar, APP for Respondent-State.
S. R. Gunavare, PSI, Shahupuri Police Station, Kolhapur, present.

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CORAM : ABHAY J. MANTRI, J.
DATE : SEPTEMBER 11, 2026

ORAL JUDGMENT :

1. The Petitioners have invoked Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, “**BNSS**”), seeking quashing of the

First Information Report bearing Crime No.710 of 2025, dated 6th October 2025, registered with Shahupuri Police Station, District Kolhapur (for short, “the **FIR**”), for the offences punishable under Section 143(2) of the Bharatiya Nyaya Sanhita, 2023 (for short, “**BNS**”), and under Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956 (for short, “**the Act**”), as well as Regular Criminal Case No.1643 of 2025, arising therefrom and pending before the learned Chief Judicial Magistrate, Kolhapur.

2. **Rule.** Rule made returnable forthwith and heard finally with the consent of the learned Advocates for the respective parties. I have perused the record, i.e. the F.I.R., statements of the Victims, i.e. Sonali Santosh Khaire and Anamika Samarsing Kushwah, who were found with the punter under Section 183 of the BNSS, and the record as pointed out by the learned Advocates for the respective parties.

3. On 6th October, 2025, the Complainant, Police Head Constable Mr. Uttam Sadolikar, Anti-Human Trafficking Cell, Kolhapur, lodged the report against Accused No.1, Mr. Jaysing Khot (for short, “**Jaysing**”), alleging that Police Inspector Yadav received information from a spy that prostitution activity was run at Venus Lodge at Venus Chowk, Kolhapur; therefore, she sent two punters there as dummy customers. After receiving the signal, they conducted a raid and arrested accused Jaysingh on the spot. It is also alleged that he keeps and manages a brothel at Venus Lodge.

Accordingly, a report was lodged against Accused Jaysingh. Based on the said report, the offence was registered vide FIR No. 710 of 2025.

4. During the investigation, the Investigating Officer found that on 5th August, 2025, the said Jaysingh had transferred Rs. 3,33,000/- to each of the Petitioners' bank accounts and, therefore, the Investigating Officer made them accused in the present crime. After completion of the investigation, the Investigating Officer filed the charge-sheet. Aggrieved by the same, the Petitioners have preferred this Petition.

5. It is pertinent to note that during the argument, learned APP, on instructions, fairly submitted that since 5th August, 2025, Accused No. 1, Jaysing, has been running Hotel Venus. Similarly, he pointed out Jaysing's bank statement to the Court. On perusal of the same, it is evident that on the said date, Jaysing transferred an amount of Rs. 3,33,000/- to the bank account of each of the Petitioners. Therefore, the learned APP vehemently contended that the said facts prima facie indicate the Petitioners' involvement in the present crime. Accordingly, they were implicated as accused in the present crime. However, on query, he failed to point out any documents other than Jaysing's bank statement to show that the Petitioners are also involved in the present crime or had knowledge that Jaysing was running the brothel.

6. It is worth noting that in the FIR, there are no allegations against the Petitioners that they have any concern with the present crime. Likewise,

none of the witnesses has stated that they have any concern with the alleged crime or that they were/are running the said brothel with Jaysingh.

7. It is not in dispute that the Petitioners are joint owners of Hotel Venus and that on 5th August, 2025, they handed over the said lodge to Jaysingh to run the same. Till October, nothing happened. Apart from that, learned APP failed to point out for what purpose the said amount was transferred by Jaysingh to the bank account of the Petitioners, though the Investigating Officer has thoroughly conducted the investigation.

8. The learned APP has failed to point out from any document or from the statements of any of the witnesses any material whatsoever to establish that the Petitioners have any nexus or connection with the alleged crime, or that they were or are in any manner involved in the commission of the said offence. The mere fact that an amount was transferred by Jaysingh into the bank account of the Petitioners, by itself, cannot lead to an inference that the Petitioners were concerned with the alleged crime, were involved therein, or had any knowledge that Jaysingh was allegedly running a brothel in the said Hotel/Lodge. On the contrary, the material on record indicates that, on 5th August 2025, the Petitioners handed over the said Hotel/Lodge to Jaysingh to run the same. In such circumstances, the amount transferred by Jaysingh into the bank account of the Petitioners could well have been towards a security deposit or other consideration for permitting him to run

the said Hotel/Lodge, and there is no material to suggest otherwise. In the absence of any independent material connecting the said amount with the alleged prostitution business, it cannot be inferred that it was paid to the Petitioners as commission towards such business or received by them in connection with any partnership or other business arrangement with accused Jaysingh.

9. It is also material to note that the said amount was received by the Petitioners prior to the commencement of the Hotel/Lodging business by accused Jaysingh. Therefore, on the basis of this financial transaction alone, and without any further material demonstrating the Petitioners' knowledge, participation, or nexus with the alleged offence, no adverse inference can legitimately be drawn against the Petitioners.

10. Besides, the prosecution has recorded the statements of the two victims; however, neither of them has stated anything against the Petitioners so as to implicate them in the alleged crime. They have merely stated that Jaysingh had called them to the Hotel/Lodge for prostitution. Neither of the said victims nor any other witness has stated anything against the Petitioners regarding their involvement in the alleged crime in question.

11. Learned Advocate for the Petitioners and learned APP jointly submitted that the learned CJM, Kolhapur, has committed the matter to the learned Sessions Court and the same is registered as Sessions Case No. 78 of

2026 and, therefore, the learned Advocate for the Petitioners urges for quashing the Sessions Case No. 78 of 2026 against the present Petitioners.

12. In light of the foregoing discussion and upon consideration of the material on record, at the outset, it appears that the Petitioners had handed over the Hotel to accused Jaysingh for running the same and had accepted a deposit from him. Nothing in the FIR or in the statements of the witnesses, even prima facie, indicates that the Petitioners had any connection with the alleged offence or that they were involved in its commission along with accused Jaysingh. Despite being afforded sufficient opportunity, the learned APP could not point out any material against the Petitioners, save and except the bank statement already relied upon by him. A perusal of the said bank statement does not indicate that the Petitioners received the amount in question towards or in connection with the running of prostitution activities at Venus Hotel/Lodge. In the aforesaid circumstances, it appears that the Petitioners have made out a case for exercise of the inherent powers of this Court under Section 528 of the BNSS. Consequently, FIR No. 710 of 2025 and the criminal proceedings bearing RCC No. 1643 of 2025, instituted pursuant thereto, are liable to be quashed and set aside.

13. That being so, in my view, the continuation of the prosecution against the Petitioners in the present case would amount to an abuse of the process of law and would not serve the ends of justice. In the circumstances,

the further continuation of the prosecution against the Petitioners would serve no useful purpose.

14. Consequently, the Petition is allowed in terms of prayer clause (a), to the extent of the Petitioners. Accordingly, FIR bearing Crime No. 710 of 2025, dated 6th October 2025, registered with Shahupuri Police Station, District Kolhapur, for the offences punishable under Section 143(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3, 4, 5 and 6 of the Act, as well as the pendency of Sessions Case No. 78 of 2026 before the learned Sessions Court, Kolhapur (before committal, registered as R.C.C. No. 1643 of 2025), arising out of the said FIR, are hereby quashed and set aside, to the extent of the Petitioners.

15. **The Rule is made absolute in the above terms.** No order as to costs.

16. Inform the concerned Court accordingly.

17. The Petition stands disposed of.

(ABHAY J. MANTRI, J.)