



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1240 OF 2025

1. Malti Raosaheb Khule,
Age : 57 years, Occ. : Householde,
2. Mayur Raosaheb Khule,
Age : 34 years, Occ. : Agriculturist,

Both R/o. : Shriram Nagar, Kankuri Road,
Shirdi, Tq. Rahata, Dist. Ahmednagar

... **PETITIONERS**

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Home Department,
Mantralaya, Mumbai
2. The Police Inspector,
Shirdi Police Station
3. The Sub-Divisional Officer/Magistrate,
Shirdi

... **RESPONDENTS**

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Mr. Krishna P. Rodge – Advocate for Petitioners
 Ms. M.N. Ghanekar – APP for Respondent Nos.1 to 3, State

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CORAM : SACHIN S. DESHMUKH, J.
DATE : 29.09.2025

ORDER :

1. The challenge is raised to the order rendered by the Sub-Divisional Officer, Shirdi, sealing the premises i.e. house property No.1474 for one year under Section 18(1) of the Immoral Traffic (Prevention) Act, 1956

(hereinafter referred to as 'the Act, 1956').

2. The petitioners contend that the house property No.1474 situated at Nimgaon-Korhale, Tq. Rahata, Dist. Ahmednagar was rented out by the husband of petitioner No.1 to one Amol Bhima Bhosle pursuant to a rent agreement for a period of eleven (11) months, the said tenant was operating a Spa Centre in the said premises. During the subsistence of the rent agreement, Crime No.960 of 2023 came to be registered against the said tenant.

3. Learned Counsel for the petitioners submits that petitioner No.1 had no knowledge of the rent agreement executed by her husband, in relation to which FIR bearing C.R. No.960 of 2023 was registered under Sections 3, 4, 5, 7 and 8 of the Act, 1956. Subsequently, the petitioners executed agreement with a subsequent tenant, being the owner of the property, for a period of eleven (11) months. The husband of petitioner No.1 received a show cause notice on 25.08.2025, calling upon husband to submit reply within seven (7) days, failing which proceedings for sealing of the premises would be initiated. Accordingly, reply was offered refuting the allegations raised in the show cause notice.

4. It is further contended that the FIR bearing C.R. No.960 of 2023 was registered against the tenant was inducted by the husband of the petitioner No.1, without petitioner's knowledge. Therefore, according to

petitioner No.1 the same could not form the basis for issuance of notice and eventual action under the provisions of the Act, 1956.

5. *Per contra*, the learned A.P.P supported the order under challenge, submitting that Section 18 of the Act, 1956 is comprehensive in nature. Service of notice on the owner, lessor, landlord, tenant, lessee, occupier or any other person in charge of the premises is sufficient. Once an offence is registered, it unequivocally establishes infraction of the provisions of the Act, 1956, on the part of the petitioners.

6. Having heard the learned Counsel for the respective parties and on perusal of the record, it is evident that the tenant was inducted by the husband of the petitioner No.1 executing a rent agreement and during the subsistence of that agreement, FIR bearing C.R. No.960 of 2023 under Sections 3, 4, 5, 7 and 8 of the Act, 1956 came to be registered. Registration of crime sufficiently establishes the infraction with provisions of the Act, 1956. Considering the aim and object of the Act, in order to prohibit prostitution in public places, the use of the premises for prohibited activities is evident from the registration of FIR bearing C.R. No.960 of 2023 cannot be overlooked.

7. The plea raised by the petitioners that the agreement was executed by the husband of petitioner No.1 without knowledge or that the premises were let out for a lodging business, does not deserve

consideration. In the absence of any material on record to indicate that the petitioners had objected to the act of husband of petitioner No.1 in executing such an agreement. Moreover, Section 18 of the Act, 1956 is comprehensive and includes within its ambit the owner, lessor, landlord, tenant, occupier or even an agent in charge of the premises. In the present case, since the agreement was executed by the husband of petitioner No.1 and during the corresponding period a crime for breach of Sections 3, 4, 5, 7 and 8 of the Act, 1956 has been registered, the authorities were, therefore, justified in invoking Section 18 of the Act and ordering the sealing of the premises.

8. The action of the authorities is, therefore, in conformity with the object and purpose of the Act, which is preceded by the issuance of a show cause notice to the husband of petitioner No.1 as a person incharge of the premises. As such, the plea of the petitioners does not deserve any consideration and accordingly same is rejected. I am of the considered opinion that the authorities have properly exercised the power under Section 18 of the Act, 1956 and by following due procedure prescribed consequent action of sealing of premises is passed. As such, no error is noted in the order under challenge.

9. Resultantly, in my considered opinion, the contravention of provisions of the Act, 1956, the petition does not warrant any interference in the extraordinary jurisdiction of this Court

under Article 227 of the Constitution of India.

10. Accordingly, the petition stands dismissed.

[SACHIN S. DESHMUKH]
JUDGE

Pooja Kale/