

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.5858 OF 2025

Amol Kisan Dhatrak	.. Petitioner
Vs.	
State of Maharashtra	.. Respondent

ALONG WITH

CRIMINAL WRIT PETITION NO.6065 OF 2025

Sandeep Sunder Balasubramanian	.. Petitioner
Vs.	
State of Maharashtra & Anr.	.. Respondents

ALONG WITH

CRIMINAL WRIT PETITION NO.6345 OF 2025

Dipesh Piyush Bhimani	.. Petitioner
Vs.	
State of Maharashtra	.. Respondent

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Mr. Sandesh More, Advocate for the Petitioner in WP/6345/2025.
Mr. Niranjana Mundargi a/w Ms. Keral Mehta i/by Ms. Anusha Pradhan Jaibhave, Advocates for the Petitioner in WP/5858/2025.
Mr. Karthik Rajashekhar a/w Mr. Arif Sayed, Advocates for the Petitioner in WP/6065/2025.
Mr. S. V. Gavand, Addl. Govt. Pleader for Respondent-State in WP/6345/2025.
Mr. K. V. Saste, Addl. Govt. Pleader for the Respondent-State in WP/6065/2025.

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**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 18th DECEMBER 2025.

P.C. :

Writ Petition No.5858 of 2025 is filed for the following reliefs:-

“(a) This Hon’ble Court be pleased to quash and set aside FIR No.0616 of 2025 which was registered with Chembur Police Station dated 28/12/2025 under Section 143(2), 3(5) of the

Bhartiya Nyaya Sanhita, 2023 (BNS) and Section 3, 4, 5 of the Immoral Traffic (Prevention) Act, 1956; in the interest of justice qua the Petitioner;

- (b) *Pending the hearing and final disposal of the present Petition, this Hon'ble court may be pleased to stay the filing of chargesheet in F.I.R. No.0616 of 2025 registered with Chembur Police Station dated 28/10/2025 under Section 143(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 (BNS) and Section 3, 4, 5 of the Immoral Traffic (Prevention) Act, 1956 qua the Petitioner."*

2. Since issues involved in these petitions pertain to FIR No.616 of 2025 registered on 28th October 2025 by the Chembur Police Station, all the petitions are heard together.

3. Mr. Niranjan Mundargi, the learned counsel for the petitioner in Writ Petition No.5858 of 2025 submits that a bare reading of the allegations made in the FIR does not constitute any offence under the Immoral Traffic (Prevention) Act, 1956. He submits that a mere presence of a person at the Spa when the police raided the premises shall not lead to a conclusion that the persons like the petitioner was involved in immoral activities so as to make him liable under the provisions of the said Act. Mr. More and Mr. Rajashekhar, the learned advocates appearing for the petitioner in Writ Petition No.6345 of 2025 and Writ Petition No.6065 of 2025 adopt the arguments advanced by Mr. Mundargi and submit that the petition ought to be allowed.

4. Opposing the writ petitions, Mr. Gavand and Mr. Saste the learned Additional Public Prosecutor submitted that the ambit and scope of section 5 of the said Act has to be decided having regard to the object behind this special Statute. A reading of FIR discloses the offence, the investigation is at an initial stage and no case is made out for invoking the inherent powers under section 528 of the BNS.

5. As we glance through the statement made by Mr. Laxmikant Sudam Ingavle, Police Constable who is the informant in this case, we find that the informant observed serious incriminating circumstances at the place of occurrence. The statements made by the victims are reproduced in the complaint made by the informant. The money paid as consideration amounting to Rs.12,950/- was recovered in cash. This is not a case where the Court can come to a conclusion on a bare reading of the First Information Report that commission of any offence is not disclosed or the allegations are of civil nature or the petitioner has been involved in the case on account of grudge or oblique motive. The matter is still be under investigation. All the petitioners were found present at the place of occurrence and the truthfulness of the pleas taken by them in these petitions shall be examined in the course of the investigation.

6. It is settled proposition of law as laid down by the Hon'ble Supreme Court in "*State of Haryana v. Bhajan Lal*" 1992 Supp (1) SCC 335 that the power of quashing the criminal proceedings should be sparingly exercised and that the Court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint. In the case of "*State of U.P. v. O.P. Sharma*" (1996) 7 SCC 705, the Hon'ble Supreme Court indicated that the High Court should be loath to interfere at the threshold to thwart the prosecution exercising its inherent power under section 482 or under Articles 226 and 227 of the Constitution of India, as the case may be, and allow the law to take its own course.

7. Bearing in mind the parameters laid down in above judgments, we do not find that the present case is a fit case to

exercise this Court's inherent powers to quash the criminal proceeding. For the reasons stated above, **all these writ petitions being Writ Petition No.5858 of 2025, Writ Petition No.6345 of 2025 and Writ Petition No.6065 of 2025 are dismissed.**

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]