N THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1395 OF 2024

1. Shankar Kashinath Kumbhargire
2. Sunil Yuvraj Chandeshware
3. Rajkumar Prakash Kumbhargire ...Applicants

VERSUS

1. The State of Maharashtra ...Respondent

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Mr. A. N. Sabnis a/w Mr. Pranav Dhakne, Advocate for Applicants
Mr. S. B. Jadhav, APP for Respondent-State

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CORAM : R. M. JOSHI, J.
DATE : OCTOBER 01, 2026

PER COURT:-

1. The present Applicants are seeking quashment of FIR No. 0093 of 2024, dated 16.02.2024 registered with Udgir Gramin Police Station, District Latur, for the offences punishable under Section 370 read with Section 34 of the Indian Penal code, 1860 (for short "**IPC**") and under Sections 3, 4, 5 and 7 of Immoral Traffic (Prevention) Act, 1956 (for short "**PITA**") so also charge-sheet bearing No. 96 of 2024, dated 07.06.2024 in R.C.C. No. 177 of 2024 and proceedings pending before Learned Judicial Magistrate First Class, Udgir.

2. The case of the prosecution is that on 15.02.2024, acting on a tip-off regarding a prostitution operation at Potdar Niwas, Udgir, a police team led by API, Arvind Pawar organized a raid using a

dummy customer provided with two marked ₹500 notes. Upon receiving a coded missed-call signal from the dummy customer, police raided the first-floor premises, detaining two women, Rekha Mundkar and Mayavati Salve, who attempted to flee. The dummy customer was rescued from a locked room, where he confirmed paying the marked money to Rekha Mundkar before being sent inside with another woman. During search proceedings, the marked currency notes were recovered from Rekha Mundkar, additional cash was seized from Mayavati Salve, and condoms were seized from the premises alongside three male customers and another woman found in an adjacent room. Investigation revealed that Rekha Mundkar and Mayavati Salve operated the brothel by enticing women with monetary incentives, while the building owner, Shrinivas Ramesh Potdar, knowingly provided the premises in exchange for a share of the profits. The male visitors namely, Shankar Kumbhargire, Sunil Chandeshware, and Rajkumar Kumbhargire i.e. present Applicants were found aiding and soliciting the illegal activity. The police filed a complaint against all six individuals under Section 370 read with Section 34 of the IPC and Sections 3, 4, 5, and 7 of the PITA. After completion of investigation, charge-sheet came to be filed.

3. Learned Counsel for the Applicants submits that the Applicants are falsely and unnecessarily implicated in the present crime. He submits that the Applicants were not the persons who trafficked any

woman and they are described as customer of brothel. Therefore, he submits that no ingredient of offences under Sections 3,4,5 and 7 of PITA nor any ingredient of offence under Section 370 of IPC are satisfied. He further submits that there is no law prescribing any offence or punishment for visitors of the brothel.

4. To support this contention, he placed reliance on ***Mohammad Juned Mohammad Rauf @ Mohammad Juned Maruf Mohammad Rauf Vs. State of Maharashtra [2020(6) Mh.L.J. (Cri.) 356]***, wherein the Hon'ble Supreme Court held that the fact that Applicants merely being the customer of brothel cannot be used to implicate him under the provisions of PITA unless the ingredients of those provisions are fulfilled. He also placed relied on ***State of Haryana and Ors. Vs. Bhajan Lal and Ors. (1992) Supp (1) SCC 335,*** and ***Rohan s/o Rajendra Kulkarni Vs State of Maharashtra and Anr. (Criminal Application 367 of 2018, Bombay high Court).***

5. Learned APP strongly opposed the grant of any relief to the Applicants owing to the serious nature of the offence. He argued that the Applicants are rightly implicated in the offence and there is material on record to show their involvement in the crime. Therefore, he submits that the Applicants must not be exonerated from the offence committed.

6. Perusal of the record shows that the role of the Applicants in the said offence is that they were found at the time of the raid in the capacity of the customers. As per the judgment of the Hon'ble Supreme Court in case of ***Mohammad Juned Mohammad Rauf (supra)*** relied by the learned Counsel for the Applicants, it would not be open for the Court to hold that the Applicants being merely in the capacity of customers have committed the offence. Therefore, this Court is of the opinion that as per the guidelines laid down in ***Bhajan Lal (supra),*** it is a fit case for quashing the FIR, charge-sheet and subsequent proceedings.

7. In view of the above, Application stands allowed in terms of prayer clauses **'A' and 'A-1'**.

(R. M. JOSHI, J.)

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