



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1072 OF 2026

1. Faizan Jabbar Qureshi,
Age : 25 years, Occu.: Business,
2. Muntazir Muneer Qureshi,
Age: 23 years, Occu.: Business,
3. Abdulkarim Amir Qureshi,
Age : 52 years, Occu.: Business,
4. Muneer Amir Qureshi,
Age : 56 years, Occu.: Business,
5. Jabbar Hasan Qureshi (Shaikh),
Age : 23 years, Occu.: Business,
6. Nazim Ayyub Qureshi,
Age: 33 years, Occu.: Business,
7. Wasim Ayyub Qureshi,
Age: 23 years, Occu.: Business,
8. Rizwan Maheebub Qureshi,
Age : 25 years, Occu.: Business,

All R/O- Mamdapur, Tal-Rahata,
Dist- Ahilyanagar.

... Applicants

Versus

1. The State of Maharashtra
Through its Chief Secretary,
Home Department,
Mantralaya, Mumbai-32
2. The Divisional Commissioner,
Nashik Division, Nashik,
Tal. & Dist. Nashik
3. Externment Tribunal @ Superintendent of Police,
Ahilyanagar, Tal. & Dist. Ahilyanagar

4. The Police Inspector,
Loni Police Station, Loni,
Tal. Rahata, District Ahilyanagar

... Respondents

.....
Advocate for the Petitioner : Mr. Shaikh Aadil Ajimoddin a/w Mr.
Qureshi Aqif Hameed
APP for Respondents - State : Mr. S. V. Hange
.....

CORAM : HITEN S. VENEGAVKAR, J.

RESERVED ON : 06th OCTOBER, 2026

PRONOUNCED ON : 16th OCTOBER, 2026

ORDER :

1. The petitioners have approached this Court under Articles 226 and 227 of the Constitution of India questioning the order dated 5th February, 2026 passed by the Superintendent of Police, Ahilyanagar in Externment Proposal/Rahuri No. 03 of 2025 and the common appellate order dated 25th May, 2026 passed by the Divisional Commissioner, Nashik Division in Externment Appeal Nos. 27 and 31 of 2026. By the first order, the eight petitioners were directed in exercise of the power under Section 55 of the Maharashtra Police Act, 1951, to remove themselves from the entire district of Ahilyanagar for eighteen months. Their appeals were dismissed by the second order. Prayer clauses (B) and (C) seek to set aside these two orders.

2. The petitioners state that they are residents of

Mamdapur, Taluka Rahata, District Ahilyanagar, and carry on business. According to them, they have been wrongly described as a gang merely because offences have been registered against different persons from the same locality. They deny that they have acted together to intimidate the public and maintain that the cases arise from political rivalry and personal disputes. They also dispute the confidential statements relied upon by the police and contend that the proceedings have deprived them of their residence and livelihood without satisfying the requirements of the Act.

3. The respondents' case, as set out in the proposal and the impugned orders, is that petitioner No.1 Faizan Jabbar Qureshi leads a group of which the remaining petitioners are members. It is alleged that the members, in different combinations, have repeatedly engaged in unlawful slaughter and transport of cattle and meat, and have also indulged in violence and intimidation. The police relied upon a chart of registered offences, earlier preventive proceedings and the confidential statements of witnesses designated as "A" and "B". The proposal was investigated by the Sub-Divisional Police Officer, Shirdi Division, who recommended preventive action against the group.

4. The record of the externment authority refers to thirteen registered crimes. Several concern the Maharashtra Animal Preservation Act and the Prevention of Cruelty to Animals Act. The chart also refers to offences under the Indian Penal Code and the Bharatiya Nyaya Sanhita. Crime No.737 of 2023 includes the allegation of attempt to murder under Section 307 of the Indian Penal Code, along with assault, rioting and allied offences. Crime No.547 of 2024 includes allegations under the Bharatiya Nyaya Sanhita relating to hurt, unlawful assembly and rioting. Other entries concern animal-related offences together with provisions of the general penal law. Some cases were pending before the criminal courts and others were under investigation. The respondents further alleged that earlier preventive measures had failed to restrain the activities of the group.

5. The confidential statements form an important part of the proceedings. Witness "A" described the petitioners as acting together under the leadership of Faizan and alleged that the group carried weapons and intimidated residents. The witness also described an incident in which he was accused of supplying information to the police, assaulted and threatened with a sharp weapon. Witness "B" similarly alleged that the members moved together with weapons and described being intercepted, accused of

being a police informer and threatened. Both witnesses expressed fear of retaliation and unwillingness to complain openly. The impugned order records that the Sub-Divisional Police Officer verified the statements by personally examining the witnesses and satisfied himself about the incidents described by them. The externment authority expressly accepted that verification and the apprehension expressed by the witnesses.

6. The petitioners were served with notice of the proposed action and appeared through their advocates. They submitted written explanations disputing the allegations, the existence of a gang and the applicability of Section 55. The Superintendent of Police considered their explanations and the inquiry report and concluded that the group's continued presence and activities posed a danger to residents and public peace. Although removal from a wider area and for two years had been proposed, the final order was confined to Ahilyanagar district and to eighteen months. The Divisional Commissioner, upon considering the appeals, declined to interfere.

7. Learned Advocate for the petitioners submits that most of the cases relied upon relate only to animal preservation or cruelty to animals and cannot support externment. He refers to the

requirement concerning offences punishable under Chapters XII, XVI and XVII of the Indian Penal Code and submits that the necessary penal antecedents are absent against most of the petitioners. During the hearing, he referred to petitioner Nos.4 and 7 as the persons facing the relevant penal allegations and maintained that their roles were not active. His further submission is that an isolated penal offence arising from a dispute over land cannot justify removal of the entire group. He also questions the consideration of offences which were still under investigation.

8. Learned Advocate for the petitioners relies particularly upon *Abdul Rafiq s/o Abdul Quadir Qureshi and another v. State of Maharashtra and others*, Criminal Writ Petition No.825 of 2025, decided at the Nagpur Bench on 13th November, 2025. He submits that this decision, following the Division Bench decisions in Nazim Ahmed Nisar Ahmed Qureshi and Shoeb @ Shobi Noor Qureshi, holds that animal-law offences cannot furnish the basis for action under Section 55. He maintains that the impugned orders suffer from the same defect and must be set aside.

9. Learned APP submits that the record cannot be confined to the description of the offences under the animal laws. He points to the penal allegations in Crime Nos.737 of 2023 and

547 of 2024 and also to the repeated involvement of members of the group in serious offences and the earlier preventive proceedings. He submits that the conduct attributed to the petitioners has caused fear among residents and has affected public peace. According to him, the cases cited by the petitioners are distinguishable because the present record includes allegations of violence in addition to animal-law offences. He further submits that the petitioners were given notice, appeared through advocates, submitted their explanations and pursued statutory appeals, and that the Court should not reassess the adequacy of the material underlying the subjective satisfaction of the authorities. He also refers to further offences and states that a reply has been filed.

10. The principal question is whether the action taken against the petitioners satisfies Section 55. The limits of judicial review must be kept in view, but those limits do not relieve the Court of examining the statutory foundation of the order. In case of *Deepak s/o Laxman Dongre v. State of Maharashtra and others*, Criminal Appeal No.139 of 2022, decided on 28th January, 2022 reported in 2023 (14) SCC 707, the Hon'ble Supreme Court explained that externment is an extraordinary restriction on the right of free movement. The authority's satisfaction must rest on

objective material and disclose application of mind. The Court may examine the existence and relevance of that material and interfere if any arbitrariness is found. Though the Court cannot substitute its view merely because another assessment is possible. These principles govern the examination of the impugned orders.

11. Before considering the individual offences, it is necessary to resolve the distinction between Sections 55 and 56, which arose during the hearing. Section 55 concerns dispersal of a gang or body of persons. It requires satisfaction that the movement or encampment of that gang or body is causing, or is calculated to cause, danger or alarm, or gives rise to reasonable suspicion of unlawful designs entertained by the gang or its members. The provision authorises directions concerning their conduct or dispersal and removal. The requirement concerning offences under Chapters XII, XVI and XVII of the Indian Penal Code appears in Section 56(1)(b). It is not a restriction written into Section 55. Nor does Section 55 reproduce the separate condition in Section 56(1)(b) concerning witnesses being unwilling to give evidence publicly. The present order must be tested under the provision actually invoked.

12. Therefore, the submission that each petitioner must

individually face an offence falling within the specified chapters of the Indian Penal Code cannot be accepted as the test for action under Section 55. Equally, the presence of one such offence against a member does not, by itself, establish the power to extenuate every person named in the proposal. The authority must identify a gang or body of persons, connect the persons proceeded against with its activities, and form the satisfaction required by Section 55 upon relevant material. The number of cases or the penal sections mentioned in them cannot replace that examination.

13. The distinction is also recognised in ***Vignesh Ramesh Kamble v. State of Maharashtra and others***, Criminal Writ Petition No.3614 of 2026, decided on 27th July, 2026. The Court explained that satisfaction under Section 55 concerns the activities of the gang, whereas Section 56 concerns the conduct of the individual. Thus, a member's individual criminal record cannot be examined in isolation from the material concerning the group. This does not permit guilt by association; it requires material connecting that person with the gang whose activities attract the provision.

14. Turning to the record, we find that the premise that the authorities relied only upon offences under the animal laws is not correct. The chart contains offences under the general penal law as

well. Crime No.547 of 2024 is shown under the Bharatiya Nyaya Sanhita, and describing every such entry as an IPC offence would be inaccurate.

15. The decisive question is whether there is relevant material of collective conduct attracting Section 55 of the said Act. On that question, the authorities have not merely assembled separate criminal records and inferred a gang from the petitioners' common residence or relationship. The inquiry report and the externment order refer to cases allegedly committed in combinations by the leader and different members. More importantly, both confidential witnesses identify the group and describe its collective movement, possession of weapons and intimidation of residents. The incidents attributed to the group concern threats and violence against persons suspected of informing the police. All eight petitioners are named in these statements. The allegations consequently furnish a connection between the persons proceeded against and the conduct for which the preventive measure was proposed.

16. Learned Advocate submits that the alleged assault case arose from a private dispute and that the roles of the concerned petitioners were not active. A private dispute cannot, merely

through the registration of an offence, be converted into a danger to the public. However, the present satisfaction does not depend only upon that case. The confidential accounts describe intimidation directed at residents on suspicion that they had assisted the police and it is accompanied by fear which prevented complaints and intervention. Such material is relevant to the danger or alarm contemplated by Section 55 of the said Act. Whether a particular petitioner committed the charged offence, and the precise role proved against him, remain matters for trial in the said offence and present proceedings cant decide the same .

17. The petitioners deny the confidential incidents and allege that the statements were prepared to implicate them. That contention required careful consideration, because repeating a police allegation without examination would not constitute the satisfaction contemplated by the Act. Here, however, the order specifically records personal verification by the Sub-Divisional Police Officer and the externment authority's acceptance of that verification. The statements describe incidents of assault or armed threats, rather than expressing only a general dislike of the petitioners. On the material supplied, there is no basis to hold that the authority acted without relevant material. To decide that the witnesses should not have been believed would require this Court

to undertake a factual reassessment beyond the permissible scope of review in this proceeding.

18. I have carefully considered in case of *Abdul Raftiq case* (supra), upon which the petitioners place substantial reliance. That decision is by a learned Single Judge and follows the Division Bench decisions in *Nazim Ahmed Nisar Ahmed Qureshi v. State of Maharashtra and another*, Criminal Writ Petition No.474 of 2024, decided on 5th July, 2024 and *Shoeb @ Shobi Noor Qureshi and another v. State of Maharashtra and another*, Criminal Writ Petition No.507 of 2024, decided on 1st August, 2024. Those decisions establish that allegations of the animal-related activities considered there do not, merely by describing the accused as a gang, satisfy Section 55. In case of *Nazim Ahmed* (supra), an older penal case was also found not to furnish a live link with the proposed action. The statutory requirement of danger, alarm or unlawful designs was central to the reasoning in those judgments.

19. These decisions cannot be distinguished merely by adding an IPC section to an otherwise identical list of animal-law offences. In the present matter, however, the distinction lies in the additional material of collective armed intimidation, which was disclosed in the notice, examined in the inquiry and expressly

accepted by the externment authority. The action is consequently not sustained on the proposition that slaughter or transport allegations automatically justify externment. It is sustained on the material concerning the group's movement and intimidation of residents. The factual foundation on which the petitioners rely is therefore materially different from the present one.

20. The same conclusion follows from the approach adopted by the Division Bench of this Court in case of ***Mohan and Ors. Vs. The Superintendent of Police, Akola and Ors.*** in Criminal Writ Petition Nos.612 and 627 of 2020, decided on 4th February 2021. The Court required material of an organised group engaged in continuing criminal activity and of movement causing the danger or alarm contemplated by Section 55. The registration of several cases arising from a family dispute did not answer that requirement. Here, the recorded satisfaction concerns identifiable collective conduct and intimidation of residents, supported by the verified statements already discussed. It is not an inference drawn solely from the number of prosecutions.

21. The objection concerning pending investigations also does not establish illegality. Section 55 is preventive and does not make conviction a condition for its exercise. Material concerning

an incident under investigation is not excluded merely because a charge-sheet has not yet been filed. The authority must nevertheless examine its relevance and cannot treat an accusation as proof of guilt. In this case, the offences were considered together with the inquiry and the confidential accounts of collective intimidation. We find no basis to hold that the statutory satisfaction rested only on the fact of registration, or that the authority was required to await completion of every trial before considering preventive action.

22. The petitioners further contend that the confidential material was not supplied in full and that they lacked a proper opportunity to answer it. Section 59 requires communication of the general nature of the material allegations and a reasonable opportunity to explain them. In case of *Pandharinath Shridhar Rangnekar v. Deputy Commissioner of Police, State of Maharashtra, (1973) 1 SCC 372*, the Supreme Court recognised that complete disclosure of particulars identifying frightened witnesses may defeat the proceeding, while emphasising strict observance of the statutory safeguards. Similarly, confidentiality does not dispense with a meaningful notice to the Externee.

23. The notice placed on record goes beyond a general

assertion that the petitioners are dangerous. It identifies the alleged leader and members, sets out the criminal antecedents and preventive proceedings, and communicates the substance of both confidential statements, including collective intimidation and threats against suspected informers. The petitioners disputed those statements and the alleged gang in their written explanations and were represented by advocates. The order considers those explanations at length. I therefore do not find that the essential allegations supporting the present conclusion were withheld from them, or that the opportunity was merely formal. The finding is confined to the material disclosed in this record and does not imply that appearance through an advocate cures a defective notice.

24. It is also made clear that a prediction of communal tension based only on allegations of animal slaughter, or on the religious identity of the persons concerned, cannot substitute for the statutory requirements. The order contains observations concerning religious sentiment and possible tension, and learned APP has referred to public peace in that context. I do not adopt religious sentiment as an independent ground for sustaining the restriction. The relevant foundation is the recorded material of collective threats, weapons and intimidation. That material

concerns the safety of residents irrespective of their community and answers the requirement of danger or alarm under Section 55.

25. As regards the subsequent offences referred to during the hearing, the validity of the order dated 5th February, 2026 must be examined on the material forming the lawful basis of that proceeding. Later registrations cannot retrospectively supply a missing statutory foundation. Nor can a new allegation be used without the opportunity required by Section 59 merely because it precedes the final order. The conclusion of this court does not rely upon subsequent offences introduced during the hearing or upon the additional registrations mentioned in the orders which are not shown in the notice. The disclosed collective incidents and their verification supply the foundation discussed above; the further registrations are not necessary to establish it.

26. The district-wide extent of the order requires separate consideration. The submission that every offence was registered at Loni is not entirely borne out by the chart, which also contains an entry from Daulatabad Police Station. In any event, police-station boundaries do not invariably determine the permissible extent of externment. The effectiveness of the measure may require a wider area, while an excessive restriction remains open to challenge in

relevant cases. Here, the authorities considered the alleged movement and transport activities of the group and the ease with which its members could return to the locality if the restriction were confined to a smaller area. The final order excluded the neighbouring district which had also been proposed. In these circumstances, the restriction to Ahilyanagar district is not shown to be an unexamined extension based only on geographical proximity.

27. The period of eighteen months must likewise be reasonable and requires application of mind to the duration and particularly must reject an unexplained imposition of the maximum term. Eighteen months is below the two-year statutory limit, but that fact alone does not establish reasonableness. Read as a whole, the present order considers the repeated collective activities, the intimidation described by residents and the failure of earlier preventive measures and restricts the proposed two-year period to eighteen months. These considerations bear upon the need for a sustained preventive restriction. The order does not merely select the statutory maximum period without assessment, and the material does not justify replacing the authority's assessment with a different period chosen by this Court.

28. The allegation of political rivalry and the character and residence certificates have also been considered. Such certificates cannot displace the specific material of collective intimidation. Conversely, the registration of crimes cannot itself prove that the allegation of political influence is false. The petitioners, however, have not shown material demonstrating that the verified accounts and the recorded satisfaction were the product of that alleged influence. The orders record the inquiry, the explanations and the grounds upon which the proposal was accepted. Although the appellate order contains an incongruous passage referring to earlier years which does not correspond with the present chart, its substantive discussion addresses these petitioners, their grounds and the relevant material. That passage does not, on reading the appellate order as a whole, establish that the present appeals were decided on an unrelated record.

29. The power under Section 55 does not require a separate specified-chapter offence against every member, but it does require a lawful and supported satisfaction concerning the group and the persons proceeded against. On the record before me, that requirement has been met. The petitioners received the substance of the allegations, their explanations were considered, and the order rests on material of collective intimidation which

distinguishes the authorities relied upon by them. Neither the geographical extent nor the duration is shown to be arbitrary. This Court, accordingly find no ground to interfere with the externment order or the order confirming it in appeal. These observations concern preventive action alone and shall not influence the investigation or trial of any criminal case against the petitioners.

ORDER

(i) The Criminal Writ Petition is dismissed.

(ii) The challenge to the order dated 5th February, 2026 passed by the Superintendent of Police, Ahilyanagar, in Externment Proposal/Rahuri No.03 of 2025 and the common appellate order dated 25th May, 2026 passed by the Divisional Commissioner, Nashik Division, in Externment Appeal Nos.27 and 31 of 2026, stands rejected.

(iii) There shall be no order as to costs.

(HITEN S. VENEGAVKAR)
JUDGE