

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

954 CRIMINAL WRIT PETITION NO.175 OF 2022

**VISHWANATH DIGAMBAR JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. A. H. Kasliwal, Advocate for the petitioner
Mr. A. V. Deshmukh, APP for the respondent/State

**CORAM : SARANG V. KOTWAL AND
BHARAT P. DESHPANDE, JJ.**

DATED : 12th July, 2022

P. C.:-

1. This is a writ petition for quashing of the notice dated 13th November, 2021 issued under Section 149 of Criminal Procedure Code. By the impugned notice the petitioner was told that one Sindhubai Pawar had given an N.C. complaint on 2nd November, 2021 vide N.C. No. 876 of 2021 under Sections 504, 506 of the Indian Penal Code. It was mentioned in the notice that the petitioner was expected to behave so that, there was no breach of peace and security. It is mentioned in the notice that if he committed any act prejudicial to the maintenance of law and order or if he committed

any cognizable offence or if he created any situation in that behalf, action would be taken against him. Learned counsel for the petitioner submits that only because of private dispute between Sindubai and the petitioner such notices are given to him. In the past such notices were given to the petitioner and his father and therefore, the action of the police is not bonafide.

2. Learned APP submitted that police are not exceeding their jurisdiction and using powers with malafide intentions.

3. We have considered these submissions. Section 149 of the Criminal Procedure Code read thus:

“149. Police to prevent cognizable offences -Every police officer may interpose for the purpose of preventing, and shall, to the best of his ability, prevent, the commission of any cognizable offence.”

4. It is obvious that it is the duty of a police office to prevent any cognizable offence. Police are acting on the NC report given by Sindhubai. They have not taken any specific action against the present petitioner. It is a simple notice wherein the petitioner is

directed to keep peace. In any case, that is his duty. Therefore, issuance of that notice is not going to affect him in any manner. The notice was issued on 13th November, 2021. Now more than eight months have passed, therefore, we are not inclined to interfere in this petition. The petition is accordingly dismissed.

BHARAT P. DESHPANDE, J.

SARANG V. KOTWAL, J.