



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 474 OF 2024

**PETITIONER :**

Nazim Ahmed Nisar Ahmed Qureshi, Aged  
about 36 yrs., Occu.: Labour, R/o Near  
Gaddigodam Masjid, PS Sadar, Nagpur.

**-Versus-**

**RESPONDENTS :**

1. State of Maharashtra, through Deputy  
Commissioner of Police, Zone-2, Nagpur.
2. PSO PS, Sadar, Nagpur.

-----  
Mr.M. N. Ali, Advocate for the petitioner.  
Mrs.Kalyani Marpakwar, APP for the respondents.  
-----

**CORAM: SMT. VIBHA KANKANWADI &  
MRS.VRUSHALI V. JOSHI, JJ.**

**DATE : 5<sup>TH</sup> JULY, 2024**

**J U D G M E N T** (Per : Smt. Vibha Kankanwadi, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally with the  
consent of the learned Advocates for the parties.

3. The present petition has been filed under Article 226 of the  
Constitution of India to challenge the order of externment against the

petitioner passed by respondent No.1-Deputy Commissioner of Police, Zone-2, Nagpur on 06/06/2024.

4. In order to cut-shot, it can be stated that both the learned Advocates have argued in support of their respective contentions. Further, the learned APP has relied on the reply affidavit of Shri Rahul Madne, Deputy Commissioner of Police, Zone-2, Nagpur City.

5. Perusal of the impugned order would show that it is passed under section 55 of the Maharashtra Police Act and for passing the said order, a notice under section 59 of the said Act was issued and after giving him opportunity of answering the said notice, the order has been passed against the petitioner. However, it can be considered that for passing the impugned order under section 55 of the Maharashtra Police Act, three offences were considered, i.e. Crime No.260 of 2023, registered with Sadar Police Station, Nagpur, Summary Criminal Case No.2445 of 2023. Second is Crime No.368 of 2023, registered with Sadar Police Station, Nagpur, Summary Criminal Case No.20146 of 2023. Both these offences are under section 11(d) of the Prevention of Cruelty to Animals Act. Third offence was Crime No.275 of 2020, registered with Wadi Police Station, Nagpur under sections 379, 109, 201 and 411 read with

section 34 of the Indian Penal Code, Regular Criminal Case No.2581 of 2020. As regards the last offence is concerned, since it was of 2020, it is not giving a live link for action to be taken under section 55 of the Maharashtra Police Act. The other two offences as aforesaid were for Prevention of Cruelty to Animals Act. It is then stated that the petitioner is the member of a gang, who are indulging in this kind of activities. We are unable to consider that such activities are covered under section 55 of the Maharashtra Police Act. What section 55 of the Maharashtra Police Act contemplate is “..... *is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof.....*” Both the said cases are pending before the Court. It is stated that the applicant and other alleged members of the gang are selling beef. Even if it is admitted for a moment that at the time of those cases were registered, they were found with some such substance, which may amount to beef, yet it can be said that in future also they would continue to do such activities. Further, the impugned order says that the petitioner should also remove himself from not only the Commissionerate Area of Nagpur City, but also Nagpur (Rural) and Bhandara as well as Gondia Districts. Merely, because Bhandara and Gondia are contentious districts, it does not empower

the concerned Authority, i.e. the Deputy Commissioner of Police, Zone-2, Nagpur to direct removal of the applicant from Bhandara and Gondia Districts. When no offence is alleged to be committed within the said area, no such directions can be issued. Merely, because he has powers, it cannot be said that he should use it. No reason has been assigned as to why the removal has been directed from Bhandara as well as Gondia Districts.

6. In view of above, not only the impugned order is illegal, but it is improportionate also. Therefore, it deserves to be set aside. Accordingly the impugned order is quashed and set aside.

7. Rule is made absolute in the aforesaid term.

**(MRS.VRUSHALI V. JOSHI, J)**

**(SMT.VIBHA KANKANWADI, J)**