

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3571 OF 2025

Ibrahim Khaja Qureshi

....Petitioner

Versus

The Assistant Commissioner
of Police and Ors.

....Respondents

Mr. Rahul B. Vijaymane for the Petitioner.

Mrs. Rutuja Ambekar, APP for the State.

CORAM : RAVINDRA V. GHUGE

&

GAUTAM A. ANKHAD, JJ.

DATE : 30th JULY, 2025

P.C. :-

1. The Petitioner is said to be a businessman and is a former Corporator with the Solapur Municipal Corporation. He has put forth prayer clauses (a) to (e), which read as under :

(a) This Hon'ble Court may be please to direct the Respondent no.1 to decide the Application dated 23/6/2025 (Exhibit-c) filed in Externment application No.1499/2025 pending before the Ld Assistant Police Commissioner Division-1, Solapur;

(b) Pending the Hearing and final disposal of the Petition the Externment application No.1499/2025 pending before the Ld Assistant Police Commissioner Division-1, Solapur may be stayed;

(c) Interim and ad-interim relief in terms of prayer clause (b);

(d) That this Hon'ble Court may please to quash and set aside the notice dated 30/6/2025 issued by the Ld Assistant Police Commissioner Division-2 Solapur City;

(e) Pending and final Pending the Hearing and final disposal of the Petition the Externment notice No.1830/2025 issued by the Ld Assistant Police Commissioner Division-2, Solapur may be stayed.

2. Yesterday, when this matter was heard and adjourned to today, the learned Advocate for the Petitioner, through his oral submissions, convinced us that the Petitioner's Application dated 23rd June 2025, in Externment Application No.1499 of 2025 (Exhibit 'C'), is pending before the Assistant Police Commissioner, Division – 1, Solapur, and he is not deciding it. We were inclined to allow this Petition and were considering imposing costs on the State for its failure to decide the said application. The learned APP requested an overnight passover to take instructions.

3. Today, the learned APP points out the Application (Exhibit 'C') at page no. 42, which indicates the following prayers of the Petitioner :

(२) वर नमूदप्रमाणे परिस्थिती असताना प्रस्तुतचे अर्जाचे कामी या मे. कोर्टाने प्राथमिक चौकशी ही संक्षीप्त स्वरूपात न करता यातील सामनेवाला यांना आपले योग्य व वाजवी म्हणणे व पुरावा देण्याची संधी मिळणे न्यायाचे व जरूरीचे

आहे अन्यथा सामनेवाला यांना त्यांचे न्याया हक्कापासून वंचित रहावे लागेल.

(३) सबब, यातील सामनेवाला हे त्यांना आपले म्हणणे व पुरावा आणि तसेच उलटतपास घेण्याची संधी देण्यात यावी म्हणून मुंबई येथील उच्च न्यायालय येथे फौजदारी याचिका दाखल करून आदेश मिळवित आहेत. त्याकरीता अंदाजे तीन महिन्याचा कालावधी लागणे अपेक्षित आहे.

(४) तरी मे. कोर्टास नम्र विनंती की, वरील कारणांचा विचार होवून सामनेवाला यांना आपला पुरावा, म्हणणे आणि उलटतपास घेण्याकरीता आदेश घ्यावयाचा असल्याने प्रस्तुतचे प्रकरण तीन महिन्यांचे कालावधीकरीता स्थगित ठेवण्याचा आदेश व्हावा.

4. The learned APP then points out, from the left margin of Application (Exhibit 'C'), that the concerned Officer had passed an order on the same day, i.e., 23rd June 2025, refusing to stay the proceedings, but granting the Petitioner time to lead oral and documentary evidence.

5. We find that, had we dictated an order yesterday based on the submissions of the learned Advocate for the Petitioner, we would have ended up directing the concerned Officer, Respondent No.1. Though this Petition was filed on 1st July, 2025, the fact that the Application (Exhibit 'C') had already been dealt with by Respondent No.1 and an order was passed, is completely suppressed

in the memo of the Petition. So also, the time of the Court has been wasted, when we could have utilised the said time for hearing and deciding several matters on the daily board.

6. The above factors squarely attract the principles laid down by the Hon'ble Supreme Court in *Bhaskar Laxman Jadhav and Ors. v/s. Karamveer Kakasaheb Wagh Education Society and Ors.*¹ and *Kishore Samrite v/s. State of Uttar Pradesh and Ors.*² It is a crystallized position in law that if a litigant misleads the Court or suppresses material facts from the Court for the purpose of taking a favourable order, this Court must deal with such a situation with an iron hand.

7. In view of the above, **this Petition is dismissed.**

8. Considering that the Petitioner is a businessman and is a former Corporator, we are imposing cost of Rs.1 lakh to be deposited by the Petitioner in this Court within 30 days from today, failing which, we direct the District Collector, Solapur, to recover the said amount as arrears of land revenue from the Petitioner, by

1 2013 (11) SCC 531

2 2013 (2) SCC 398

following the due procedure laid down in the Maharashtra Land Revenue Code.

9. The aforesaid amount shall be utilized for a public cause and we direct the Registry to disburse the said amount in equal proportions (Rs.25,000/- each), to the following four establishments :

1. Children Aid Society, Mumbai

Account No.02370100005612

Bank Name :UCO BANK

Branch – Matunga

IFSC : UCBA0000237

2. In Defense of Animals

Account No.04060100019102

Bank Name :Bank of Baroda

Branch – Chandavarkar Road Branch, Matunga

IFSC : BARB0CHANDA ('0' is a digit not alphabet)

MICR No.: 400012046

3. The High Court Employees Medical Welfare Fund at Mumbai

Account No. : 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

4. National Association for the Blind

Account No : 3740000100008551

Bank : Punjab National Bank

Branch : Worli Seaface

IFSC Code : PUNB0374000

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)