



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 607 OF 2025

[Vaibhav Vishwanath Mahajan **vs.** State of Maharashtra, through P.S.O., P.S.,
Yavatmal City, Yavatmal and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V. D. Awchat, Advocate for the petitioner
Mr. I. J. Damle, APP for the State/respondent nos. 1 to 3

CORAM: ANIL L. PANSARE AND
M. M. NERLIKAR, JJ.

DATED : 29-07-2025.

Heard.

2. The proceedings commenced under Section 106 and 116(3) of the Code of Criminal Procedure, 1973 (for short Cr.P.C.), in the year 2017 and the order of closure of enquiry passed in January, 2018 is sought to be reopened in the year 2025.

3. Section 106 of the Cr.P.C. deals with security for keeping peace and Section 116(3) refers to immediate measures to be taken for prevention of breach of the peace.

4. Thus, the proceedings for the purpose of keeping peace and preventing breach of peace for the incident that occurred in the year 2017, which were closed because summons could not be served on concerned, is sought to be opened after seven years on the count that order passed by respondent no. 3 is without conducting enquiry as required under Section 116 of the Cr.P.C.

5. Presuming that respondent no. 3 has not conducted enquiry as required, considering the nature of proceedings, which deals with the peace, based on apprehension of the

attending circumstances then prevailing, cannot be reopened after such an enormous delay. On that count alone, we are not inclined to entertain the petition. The same is dismissed accordingly.

(M. M. NERLIKAR, J.)

(ANIL L. PANSARE, J.)

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