



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

CRIMINAL WRIT PETITION NO.683 OF 2024

Shailesh Mahadeo Shelke, and ors.

vs.

State of Maharashtra, Thr. Addl. Chief Secretary, Home Dept. Mantralaya, Mumbai and ors.

WITH

CRIMINAL WRIT PETITION NO.11 OF 2024

Devendra s/o Pramod Thakre, Tah. Deoli, Dist. Wardha and anr.

vs.

State of Maharashtra, Thr. Secretary, Dept. of Home, Mantralaya, Mumbai and anr.

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

Court's or Judge's orders

Shri F. T. Mirza, Senior Advocate with Shri Sameer Khan, Advocate for
petitioners.

Shri A. B. Badar, Addl. Public Prosecutor for respondent Nos.1 to 5 and 8/State.

CORAM : ANIL L. PANSARE AND RAJ D. WAKODE, JJ.

DATED : 26th November, 2025

Writ Petition No.683/2024

The petitioners have approached this Court seeking to quash document dated 04/08/2023 titled as judgment passed by respondent No.5-Chairperson, Divisional Police Complaint Authority, Nagpur.

2. The argument is that the so called judgment has been passed by respondent No.5-Chairperson, Divisional Police Complaint Authority, Nagpur, whereas Section 22S of Maharashtra Police Act, 1951 provides that the Authority shall consist of five members, one of which shall be a Chairperson.

3. Considering the aforesaid plea, we had on previous date called upon learned Additional Public Prosecutor to take instructions as to under which provision respondent No.5 has passed the impugned order in individual capacity.

4. Learned Additional Public Prosecutor has come up today without no instructions.

5. That being so, the order impugned will have to be set aside having been passed in contravention to Section 22S of the

Maharashtra Police Act, 1951.

6. Accordingly, the petition is allowed.

7. Impugned order dated 04/08/2023 passed by respondent No.5-Chairperson, Divisional Police Complaint Authority, Nagpur is quashed and set aside. Consequences shall follow.

8. Writ petition is disposed of in terms of above.

Writ Petition No.11/2024

9. In view of the order passed above viz. in Writ Petition No.683/2024, prayers made in this writ petition would not survive because the petitioners herein who are respondent Nos.6 and 7 in Writ Petition No.683/2024 are seeking directions to implement the judgment dated 04/08/2023 passed by the Chairperson, Divisional Police Complaint Authority, Nagpur.

10. The petition is accordingly dismissed.

(Raj D. Wakode, J.)

(Anil L. Pansare, J.)

Corrected as per
order dt.8/12/2025