



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

CRIMINAL WRIT PETITION NO. 825/2025

1. Abdul Rafiq S/o Abdul Quadir Qureshi,  
Age 53 yrs., Occ. Cultivation,  
R/o. Village Aanji Mothi,  
Tal. & Dist. Wardha.
2. Naushad s/o. Mohd Basir Qureshi,  
Age 40 yrs., Occ. Cultivation,  
R/o. Village Aanji Mothi,  
Tal. & Dist. Wardha.

...PETITIONERS

VERSUS

1. The State of Maharashtra,  
through the Superintendent of Police,  
Wardha, Dist. Wardha.
2. The State of Maharashtra through the  
Police Station in-charge, Kharangna  
Police Dist. Wardh.
3. The Divisional Commissioner, Nagpur,  
Civil Lines, Nagpur.

...RESPONDENTS

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Mr. S.S. Ansari, Advocate for petitioners.  
Mr. A.M. Joshi, APP for respondents  
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CORAM : M. M. NERLIKAR, J.  
DATE : 13.11.2025

**ORAL JUDGMENT :**

Heard. Rule is made returnable forthwith and by consent of learned counsel appearing for the parties, writ petition is taken upon for final disposal.

2. This petition is filed under Articles 226 and 227 of the Constitution of India challenging the order dated 29.04.2025 passed by the Superintendent of Police, Wardha externing the petitioner under Section 55 of the Maharashtra Police Act, 1951 ("Police Act"). Against the same, appeal was preferred under Section 60 of the said Act by petitioners, however the same was dismissed vide order dated 25.09.2025 by the Divisional Commissioner, Nagpur. Both these orders are under challenge in this petition.

3. I have heard the learned respective Counsel for the parties. The learned Counsel for petitioners submits that offence committed under the Prevention of Cruelty to Animals Act or Maharashtra Animal Preservation Act cannot form the basis to extern the petitioners. So as to substantiate the same,

he has relied on the judgments delivered by the Division Bench of this Court in case of *Shoeb @ Shobi Noor Qureshi and another .vrs. State of Maharashtra and another (Criminal Writ Petition No.507/2024 – decided on 01.08.2024)* and *Nazim Ahmed Nisar Ahmed Qureshi .vrs. State of Maharashtra and another (Criminal Writ Petition No.474/2024 –decided on 05.07.2024)* wherein while considering the scope of Section 55 of the Maharashtra Police Act, has taken a view that offence under the Prevention of Cruelty to Animals Act are not covered under Section 55 of the Maharashtra Police Act.

4. On the other hand, the learned A.P.P. submits that petitioners are acting in an organized manner and therefore, they form a gang, both the authorities have rightly passed the orders externing petitioners. He further submits that petitioner Nos. 1 and 2 have committed serious crimes by giving inhumane treatment to animals, and as many as 4 crimes have been committed by petitioner No.1 and 3 crimes have been committed by petitioner No.2. He further submits that after considering the entire track record of petitioners, the

Superintendent of Police has passed a reasoned order which is further endorsed by the Divisional Commissioner, Nagpur. Ultimately he supports the orders impugned and prays for dismissal of the petition.

5. Division Bench of this Court in case of Nazim Ahmed Nisar Ahmed Qureshi (supra), has observed in the following manner :

“.....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.....”

Similar view is also taken by the Division Bench of this Court in case of Shoeb @Shobi Noor Qureshi (supra).

6. Considering the above observations of the Division Bench of this Court, it is crystal clear that the activities of petitioners does not fall under Section 55 of the Maharashtra

Police Act. In view of these facts and circumstances, the impugned orders cannot be sustained in law, and hence, the following order.

**ORDER.**

1. Criminal Writ Petition is allowed and disposed of.
2. The order dated 29.04.2025 passed by the Superintendent of Police, Wardha and the order dated 25.09.2025 passed by the Divisional Commissioner, Nagpur, externing the petitioners are hereby quashed and set aside.
3. Rule is made absolute in aforesaid terms.

**( M. M. NERLIKAR , J.)**

*Gohane*