



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

CRIMINAL WRIT PETITION NO. 908/2025

Jaleel S/o. Khwaja Qureshi,
aged about 39 yrs., Occ. Labour,
R/o. Qureshi Mohalla, Near
Rehmaniya Masjid, Wardha,
Maharashtra.

...PETITIONER

VERSUS

1. The State of Maharashtra,
through the Superintendent of Police,
Wardha Maharashtra,
Office at District Stadium, near Ambedkar
Square, Sewagram Road, Wardha,
Maharashtra – 442001.
2. Divisional Commissioner of Police,
Civil Lines, Nagpur City, Nagpur.
3. The Sub-Divisional Police Officer,
Sub Division Pulgaon, Dist. Wardha,
Maharashtra.

...RESPONDENTS

Mr. V. N. Mate Advocate along with Shaikh Sabahat, Advocate
for petitioner.

Mr. A.M. Joshi, APP for respondents

CORAM : M. M. NERLIKAR, J.
DATE : 13.11.2025

ORAL JUDGMENT :

On oral request of the learned counsel for the petitioner seeks leave to amend the prayer clause of the petition.

2. Leave is granted.

3. Amendment be carried out forthwith.

4. Heard. Issue notice to the respondents returnable forthwith. Learned APP waives service of notice to the respondents. By consent of learned counsel appearing for the parties, writ petition is taken upon for final disposal.

5. This petition is filed under Articles 226 and 227 of the Constitution of India challenging the order dated 04.09.2025 passed by the Divisional Commissioner, Nagpur i.e respondent No.2 in appeal No. 28/2025 preferred under Section 60 of the Maharashtra Police Act, 1951 ("Police Act") and order dated 29.04.2025 passed by the Superintendent of Police, Wardha i.e. respondent No.1 extenuating the petitioner.

6. I have heard the learned respective Counsel for the parties. The learned Counsel for petitioner submits that offence committed under the Prevention of Cruelty to Animals Act or Maharashtra Animal Preservation Act cannot form the basis to extern the petitioner. 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.

7. On the other hand, the learned A.P.P. submits that petitioner is acting in an organized manner and therefore, he form a gang, both the authority have rightly upheld the order externing petitioner. He further submit that petitioner has

committed serious crime by giving inhumane treatment to animals and after considering the entire track record of petitioner, The Superintendent of Police, Wardha has passed a reasoned order which is further endorsed by the the Divisional Commissioner, Nagpur. Ultimately he supports the order impugned and prays for dismissal of the petition.

8. 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).

9. 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 order cannot be sustained in law, and hence, the following order:-

ORDER.

1. Criminal Writ Petition is allowed and disposed of.
2. The order dated 04.09.2025 passed by the Divisional Commissioner, Nagpur and order dated 29.04.2025 passed by the Superintendent of Police, Wardha are hereby quashed and set aside.

(M. M. NERLIKAR , J.)

Gohane