



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

CRIMINAL WRIT PETITION NO.99 OF 2025

Faris Nizamuddin Quadari
Aged about 25 years, Occ. Pvt Work,
R/o Kadri Manjil, Near Gulab Baba
School, Nalsahab Chowk,
Mominpura, Nagpur
(Kolhapur Central Prison, Kalamba

Petitioner

-Versus-

- 1 State of Maharashtra
Through Government of Maharashtra,
Home
Department (Special), Second Floor, Main
Building, Mantralaya, Madam Cama Road,
Hutatma Rajguru Chowk, Mumbai-400032
2. Commissioner of Police,
Nagpur City, Nagpur.
3. Superintendent Kolhapur Central
Prison, Kalamba.

Respondents

Mr. A.K. Bhangde h/f Mr. Naman K. Bhangde, counsel for the
Petitioner.

Ms. S.S. Jachak, A.P.P. for State.-

CORAM :NITIN W. SAMBRE AND

MRS. VRUSHALI V. JOSHI, JJ.

DATE : 02/05/2025

ORAL JUDGMENT (Per: Vrushali V. Joshi, J.)

- 1) Heard.

- 2) **Rule.** Rule made returnable forthwith. By consent of the learned Counsel for the parties, the Criminal Writ Petition is heard finally.
- 3) Through this writ petition preferred under Article 226 of the Constitution of India, the petitioner-detenu Faris Nizamuddin Quadari has impugned the detention order dated 27.07.2024 passed by Respondent no.2 - Commissioner of Police, Nagpur, detaining him under sub-section (2) of Section 3 of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous Persons, Video Pirates, Sand Smugglers and Persons Engaged in Black-Marketing of Essential Commodities Act, 1981 (hereinafter referred to as the “MPDA” Act).
- 4) A perusal of the grounds of detention shows that the detention order has been based on one offence and one local application moved by Sau. Abha Bijju Pande, Member of the Maharashtra State Women Commission, The first Crime i.e., C.R. no.355 of 2024 of Police Station, Nagpur City is registered under Sections 353, 186, 504, 427 of Indian Penal Code read with Section 3 of Public Property Damage Act, which relates to the

detenu hitting the LCD screen mounted on the wall of the server room and the computer placed on the table below it. The said incident occurred when one Jafar Adil Haider was complaining about his two-wheeler and the present complainant here, who was discharging his duties as a night shift officer, was taking down the complaint of the aforesaid person. The petitioner damaged the property worth Rs. 1,20,000/-. On 08/06/2024, he was arrested and produced before the Learned Judicial Magistrate First Class, Court No. 04, Nagpur, who remanded him to police custody till 10.06.2024. Further, he was sent to the magisterial custody till 22/06/2024. The first bail application of the petitioner was rejected while the second was allowed by the District Judge-9 and Additional Sessions Judge. The case is under police investigation.

- 5) In the application filed by Sau. Abha Bijju Pande, it is stated that, some traders of the Nagpur City had requested her to take strict action against the present detenu. The applicants have mentioned that they received a phone call from two different numbers wherein extortion money was demanded by one Faris Quadari, i.e., the detenu. Further, they were threatened for life if demands were not fulfilled. In the statement of a businessman

recorded by Senior Police Inspector, Police Station, Tahsil Nagpur, the petitioner had made a call and demanded ransom.

- 6) Moreover, reliance is placed on two in-camera statements of witnesses “A” and “B” for issuing the order of detention.
- 7) The statement of witness “A” reveals that when the witness was going towards Sut Market, passing from the garden at Gandhibagh on his own vehicle, the petitioner and his associate came on two-wheeler being heavily intoxicated and stopped his vehicle. The detenu demanded an amount of Rs. 50,000/- from the witness and threatened him that if he did not give the money he will come to his factory and upload a video on YouTube that the said witness does not file G.S.T. The witness refused the said demand, the detenu started beating with fist blows and kicked on his stomach, face and back. Suddenly, the petitioner whipped out a big knife from his vehicle and forcibly took Rs. 5000/- from his pant pocket. Seeing the people gathered, he waved knife towards them threatening to kill them.
- 8) Statement of witness “B” discloses that, when the witness was parking his car at home, the petitioner obstructed him by putting his bike in front of his vehicle and alleged that he carries

out illegal work in his factory by making children do labour and does not file tax for which the detenu demanded Rs.1,00,000/- to keep quiet. When the witness denied to give the amount, the detenu got violent, held his collar and slapped him two to three times on his cheek and threatened to kill him by saying, if the witness wants to run business there, he will have to pay the petitioner weekly. While the incident was taking place, family members of the witness and neighbours gathered at the spot. The detenu took out a knife from his possession and brandished towards people threatening to kill them. Thereafter, he pushed the witness down and forcibly took out Rs. 10,000/- from his pocket and left.

- 9) Mr. Bhangde, the learned counsel for the petitioner submitted that detention order has been issued only on the basis of single, solitary incidence/offence. Such solitary act would not constitute a 'habit', it is not sufficient to hold the petitioner as a habitual offender. The advocate further submitted that, the order releasing the detenu on bail has not been considered. Therefore, the impugned order is liable to be quashed and set aside.

- 10) The counsel for the petitioner further submitted that both the confidential statements were recorded on 25.06.2024 and verified on 04.07.2024 and 10.07.2024 respectively. The Respondent no.2 had not discussed with D.C.P. Zone-3, Nagpur, who has given the verification on 10.07.2024. The Respondent no.2 has given very vague and ambiguous remarks on the mentioned dates. Learned counsel argued that the Superior Officer has not given any specific endorsement that the witnesses were not willing to produce evidence before the Court of law and that they were under fear.
- 11) It was further stated by the learned counsel that, on the strength of the material available on record, it does not justify interference that the acts and conduct attributed to the petitioner had the propensity to cause prejudice to the maintenance of public order. It would rather be hazardous to draw an inference that the detention order is based on a reasonable prognosis of the future prejudicial behaviour of the petitioner based on his antecedents, conduct and attendant circumstances.
- 12) *Per Contra*, Learned A.P.P. Ms. Jachak, contended that petitioner/detenu was involved in the incidents narrated by the

witnesses, and when a crowd of on-lookers gathered at the place of occurrence, the petitioner threatened them by brandishing the knife and created terror in their minds. It is submitted that during the course of the confidential enquiry conducted by the Senior Police Inspector, Police Station Tahsil, Nagpur against the detenu, it was learnt that even though the detenu has committed several offences, the witnesses did not come forward to file complaint against the detenu, due to reign of terror created by him and his associates.

- 13) Learned A.P.P. further argued that Respondent no.2 had recorded the statements of witnesses and duly signed over it below the remark "**in front of**". Further verifying officer, the Assistant Commissioner of Police, Kotwali Division, Nagpur made endorsement on the in-camera statements on 04.07.2024. Then, the Deputy Commissioner of Police, Zone-III, Nagpur City perused the in-camera statements and made endorsement on 10.07.2025. Lastly the detaining authority has put the endorsement of "seen and verified" on the said statement on 27/07/2024 after verifying truthfulness and genuineness of the in-camera statements.

14) Heard the learned counsel appearing for the petitioner and the learned Assistant Government Pleader for the State.

15) We have considered the arguments averred by both the parties. It is the ground of the petitioner that only on the solitary incident, the detention order cannot be passed. The petitioner has relied on the following judgments:-

i) Jay @ Nunya Rajesh Bhosale Vs. The Commissioner of Police, Pune and ors reported in 2015 ALL MR(Cri.) 4437.

ii) Nilesh Sunil Pendulkar Vs. The District Magistrate, Ahmednagar and ors. Reported in 2024 ALL MR(Cri.) 1205.

iii) Shantanu Laxman Jadhav Vs. The State of Maharashtra in Criminal Writ Petition No.1479 of 2024 decided on 12th July 2024.

iv) Harvinder @ Chinku Ajaysingh Labana Vs. Commissioner of Police and ors. Reported in 2023 ALL MR (Cri) 2899

16) Upon considering the said judgments, it appears that the solitary incident was not the only ground for detention. However, in the said cases, delay, non consideration of bail order are the

main grounds and therein said orders were set aside. Therefore, the above said judgments are not helpful to the petitioner.

- 17) We have to first consider the definition of 'dangerous person' of Section 2 (a) (iv) which is as follows:-

“2. In this Act, unless the context otherwise requires:-

(a)”acting in any manner prejudicial to the maintenance of public order means-

(i).....

iv) in the case of a dangerous person, when he is engaged, or is making preparation for engaging, in any of his activities as a dangerous person, which affect adversely, or are likely to affect adversely, the maintenance of public order. The activity of the detenu is clearly covered by Se. 2(a)(iv)”.

- 18) In this case though one offence is considered, the nature of offence is also required to be considered as the offence is committed in the Police Station itself and the police officers were unable to control him and he had damaged the public officer property in the Police Station. Another application is also considered for passing the detention order filed by the Member of the Maharashtra State Woman Commission, wherein she has received many complaints from the persons about extortion of money by the petitioner. Two statements are also required to be

considered along with the said crime. The incidents are mentioned in the statement which are verified and subjective satisfaction is arrived at, the same definitely comes within the meaning of dangerous person under the MPDA Act. The in-camera statements cannot be left out of consideration the aforementioned registered offence and the complaint made by the member of Maharashtra State Woman Commission is also necessarily considered. The history of criminal act is also mentioned in the detention order, preventive actions were also taken therefore, this is not the only offence which was committed and the detention order is passed. The bail order is also considered by the detaining authority while passing the detention order. The learned Assistant Government Pleader has relied on the judgment in the case of *Salauddin Imamuddin Ansari and anr. Vs. The State of Maharashtra and ors.* reported in *2020 ALL MR (Cri.) 1641*, wherein it is observed in para 23 as under:-

23. The detaining authority has taken into consideration the fact that after releasing on bail, the detenu has repeatedly committed serious offences and the said criminal activities of the detenu were prejudicial to the maintenance of the public order. The detaining authority has also considered that the detenu does not hesitate in launching an assault on the police officers, the detenu has committed serious offences against

women, minor girls and he has created terror in the areas of Shramiknagar, Vastunagar, Satpur MIDC, Ashok Nagar, in the jurisdiction of Satpur Sarkarwada, Gangapur and in the adjoining area by indulging into activities prejudicial to the maintenance of public order. The detaining authority has also considered that inspite of externment action initiated against the detenu, it was not sufficient to control the activities of the detenu. Hence, by recording subjective satisfaction about the material on record, the detaining authority has rightly passed the detention order which is justified on the basis of material relied upon by the detaining authority and the facts of the present case. We, therefore, see no reason to interfere with the order impugned in the present petition. the petition is devoid of merit and is liable to be rejected.

- 19) In view of above said observations, the ground of non consideration of bail order is also not available to the petitioner. Considering the above discussion, we do not find any infirmity in the detention order and subjective satisfaction is arrived at by the detaining authority based on the grounds of detention formulated by the detaining authority. In the result, the writ petition is dismissed.

- 20) Rule is discharged. No costs.

(MRS.VRUSHALI V. JOSHI, J) (NITIN W. SAMBRE, J)