IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3021 OF 2026

Nilesh Shankar Waghmare …Petitioner

Versus

The State of Maharashtra & Ors. …Respondents

Mr. Rahul Kadam a/w. Mr. Vedant Babar i/b. Mr. Sujay H. Gangal a/w. Mr. Harshal Mule, for the Petitioner.
Mrs. Savita M. Yadav, APP, for the Respondent-State.
Ms. Priyanka Shivaji Karande, PSI, attached to Wakad Police Station, Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 19th AUGUST 2026

PC:-

1. Heard Mr. Kadam, learned Counsel appearing for the Petitioner and Ms. Yadav, learned APP appearing for the Respondent-State.

2. By this Writ Petition filed under Articles 226 and 227 of the Constitution of India, the challenge is to the legality and validity of the order dated 27th October 2025 passed by the Deputy Commissioner of Police, Zone-II, Pimpri Chinchwad, Pune in Externment Case No.80 of 2025 and the order dated 5th May 2026

passed by the Additional Commissioner of Police, Pune Division, Pune alias Appellate Authority in Appeal No.235 of 2025. By the impugned order dated 27th October 2025, the Petitioner has been externed for a period of two years from the area of Pimpri Chinchwad Police Commissionerate, Pune City and area of Pune Rural. The said order has been upheld by the impugned order dated 5th May 2026 passed by the Additional Commissioner.

3. It is the submission of learned Counsel appearing for the Petitioner that all the offences are registered by the Petitioner's cousin brother or at his instance. He submits that in fact, the externment action has also been taken against the First Informant – Vishal *alias* Saki Sanjay Gaikwad and the said action of externment has been set aside by a learned Single Judge by order dated 2nd April 2026 passed in Criminal Writ Petition No.1268 of 2026. He further submits that no special reasons are set out for externment of the Petitioner for maximum period of two years.

4. Ms. Yadav, learned APP submits that there are four offences registered in the year 2025. The action taken is in accordance with law.

5. Perusal of the record shows that the action of externment has been taken on the basis of the following four crimes.

Sr. No.	Police Station	C.R. No.	Sections	Status of the case
1	Wakad	30/2025	303(2), 118(1), 352, 351(2)(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023	Investigation
2	Wakad	323/2025	303(2), 189(2), 190, 324(4), 3(5) of the Bharatiya Nyaya Sanhita, 2023	Investigation
3	Wakad	345/2025	194(2) of the Bharatiya Nyaya Sanhita, 2023	Sub-judiced
4	Wakad	586/2025	79, 351(2)(3) and 352 of the Bharatiya Nyaya Sanhita, 2023	Investigation

6. The action is taken on the basis of four offences. However, out of the same, three offences were under investigation when the externment order has been passed. It is settled legal position that the externment order cannot be passed on the basis of the offences which are under investigation, . Apart from that, no special reasons are given for externment of the Petitioner for maximum period of two years.

7. The FIRs are lodged as a result of private dispute between the Petitioner and the First Informant or at his instance over the proprietary and possessory title to the property. Thus, in the facts and circumstances, it is clear that the subjective satisfaction is not properly recorded. Even the subjective satisfaction regarding externment for maximum period of two years is also not recorded.

8. Accordingly, the order dated 27th October 2025 passed by the Deputy Commissioner of Police, Zone-II, Pimpri Chinchwad, Pune in Externment Case No.80 of 2025 and the order dated 5th May 2026 passed by the Additional Commissioner of Police, Pune Division, Pune alias Appellate Authority in Appeal No.235 of 2025 are quashed and set aside.

9. The Writ Petition is disposed of.

[MADHAV J. JAMDAR, J.]

SONALI MILIND PATIL
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Date: 2026.08.24 11:00:08 +0530