IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4869 OF 2026

SONALI MILIND PATIL
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Date: 2026.10.24 10:50:38 +0530

Mohamed Taswar Qureshi @ Tassu …Petitioner

Versus

The State of Maharashtra & Ors. …Respondents

Mr. Nitin H. Sejpal a/w. Mrs. Pooja N. Sejpal, for the Petitioner.
Ms. Mahalakshmi Krishnaiyer, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 22nd OCTOBER 2026

PC:-

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

2. By this Writ Petition, the challenge is to the legality and validity of the order dated 19st March 2026 passed by the Deputy Commissioner of Police, Zone-7, Mulund, Mumbai, as also the order dated 11th August 2026 passed by the Divisional Commissioner, Konkan Division, Mumbai, in Appeal No.63 of 2026. The crimes registered against the Petitioner which are taken into consideration are as under:

Sr. No.	Police Station	C.R. No.	Sections	Case No.	Status while submitting Proposal	Crime Status
1.	Vikhroli	Special Local Case No. 7/2014	12(A), 4 and 87 of the Maharashtra Prevention of Gambling Act.	ps/ 3100/380/2 014	Pending	Acquitted on 12/03/2026
2.	Vikhroli	205/2015	24, 323, 504 and 34 of the IPC	pw/ 525/2016	Acquitted on 18/05/2023	Acquitted
3.	Vikhroli	Special Local Case No. 1/2016	12(A) of the Maharashtra Prevention of Gambling Act.	PW/40/2018	Acquitted on 20/7/2024	Acquitted
4.	Vikhroli	318/2018	324, 323, 34 of the IPC	PW/ 1377/2018	Acquitted on 18/05/2023	Acquitted
5.	Vikhroli	473/2022	323, 324, 506, 427, 143, 144, 147 of the IPC	PW/ 1866/2023	Acquitted on 16/04/2025	Acquitted
6.	Vikhroli	286/2023	8(C) read with 20 of the NDPS Act	PW/ 155/2024	Pending	Pending
7.	Vikhroli	644/2025	74, 115(2), 351(2), 352, 3(5) of the BNS	Under Investigation	Under Investigation	Under Investigation

3. Thus, it is clear that there are total seven offences which have been taken into consideration. Out of these seven offences, the last offence is of the year 2025. However, the same could not have been taken into consideration, as the same was under investigation when the Show Cause Notice of externment was issued.

4. As far as other offences are concerned, they are of the year 2014, 2015, 2016, 2018, 2022 and 2023 therefore, there is no live-link between those offences and the action of externment, which has been taken pursuant to the notice dated 28th January 2026 issued under Section 59 of the Maharashtra Police Act, 1951 for taking action under Section 56(a)(1) of the said Act.

5. It is also required to be noted that as far as seven offences are concerned, the Petitioner has been acquitted in five offences.

6. A learned Single Judge by order dated 19th January 2024 passed in Writ Petition No.2805 of 2023 in the case of ***Imtiyaz Hussain Sayyad vs. The State of Maharashtra & Ors.***[1] and more particularly, in paragraph No.19 has *inter alia* observed as follows:

> "*19. The situation which thus obtains is that the externing authority had noted pendency of two cases which did not satisfy the requirement of class of cases stipulated by clause (b) and also considered the crimes which were under investigation and chargesheet had not been filed.* ***It is trite, the crimes which are still under investigation cannot be taken into consideration as depending upon the outcome of the investigation, the investigating agency may or may not send the accused for trial.*** *It is true, in one of the crimes, subsequently chargesheet came to be filed. However, a submission could be advanced that the chargesheet was filed with a view to justify and support the order of externment. Reliance placed by Mr. Gupta on the judgment of the learned Single Judge of this Court in the case of* ***Ganesh Laxman Dhabale V/s. State of Maharashtra and Ors.***[2]"
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> (Emphasis added)

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1 Criminal Writ Petition No.2805/2023

2 AIR Online 2023 Bom 231

Thus, the said observations of this Court are squarely applicable to the present case.

7. Accordingly, the Writ Petition is disposed of by passing the following order

ORDER

(a) The order dated 19st March 2026 passed by the Deputy Commissioner of Police, Zone-7, Mulund, Mumbai, as also the order dated 11th August 2026 passed by the Divisional Commissioner, Konkan Division, Mumbai, in Appeal No.63 of 2026 are quashed and set aside.

[MADHAV J. JAMDAR, J.]