

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

124

WP(C) No. 872/2025

Mohd. Rafiq Chak

.....Appellant(s)/Petitioner(s)

Through: Mr. M.A Bhat, Advocate.

vs

01. UT of J&K
Through Comm/Secretary to Govt.
Home Department, Civil Secretariat,
Jammu
02. Director General of Police, J&K
Jammu
03. Additional Director General of
Police(Security) J&K Jammu
04. Senior Superintendent of Police
(Security) Jammu
05. Senior Superintendent of Police,
Jammu

Through: Mr. Chetna Manhas, Advcate vice
Mrs. Monika Kohi, AAG.

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
09.04.2025

01. Heard learned counsel for the petitioner and perused the record.
02. It has been urged by M.A. Bhat, that petitioner has superannuated as District Judge on 31.01.2025, after serving the judiciary for almost 25 years across various regions of the erstwhile State of J&K, including District Kargil which is now part of the UT of Ladakh.
03. Through the medium of present petition, the petitioner has raised concerns regarding the ongoing threat perception to him and his family as well. It is contended that the respondents, without conducting any threat assessment or providing any contrary report, have withdrawn the security of the petitioner after his superannuation. Aggrieved by this, the petitioner has filed the instant petition.
04. With a view to advance his case, the petitioner has specifically pleaded that there is a grave threat perception to him and his family, arising out of an FIR which has been registered at his behest, during his tenure as a judge. He submitted that FIR No. 88/2013 was registered against one Anwar Mir under Sections

341/506/382 RPC, who is a habitual offender, involved in serious crimes such as murder, and was facing trial before the TADA Court, Jammu. The person against whom the FIR was registered at the instance of the petitioner, is also accused of having eliminated a close relation and has made lives of the inhabitants of the area miserable by his mischievous criminal conduct. He has become hostile and inimical towards the petitioner and his family and is extending continuous threats to him and his family as well. The petitioner has specifically pleaded that there is a grave threat to him and his family. Further, the PSO who has been attached with the petitioner for his protection, has been asked to report back to the District Police Lines Jammu. The petitioner contends that his security has been withdrawn without conducting any verification of the ongoing threat perception. There is every possibility in case the security is withdrawn without conducting threat perception, the harm can be done to him or his family. Aggrieved by this, the petitioner has filed the instant petition.

05. Heard learned counsel for the petitioner and perused the record.

06. Issue notice.

07. Ms. Chetna Manhas, Advocate appearing vice Mrs. Monika Kohli, learned AAG accepts notice on behalf of respondents.

08. After arguing for a while, Mr. M.A. Bhat, learned counsel for the petitioner, submits that he would be satisfied in case, the present petition is disposed of at this stage by directing the respondents no. 2 to 5 to get the threat perception of the petitioner assessed by the competent authority, considering the averments made in the writ petition to which, learned counsel appearing on behalf of respondents has no objection.

09. With the consent of learned counsels for the parties, the instant petition is disposed of at the very threshold by directing the respondents no. 2 to 5 to assess the threat perception of the petitioner and his family members, as the petitioner has superannuated as District Judge on 31.01.2025, by the Security Review Coordination Committee within a period of six weeks from today, taking into account all the relevant factors. Until the decision is taken by the said Committee respondents are restrained from withdrawing the security, already provided to the

petitioner. The continuation of the security thereafter will be subject to the orders likely to be passed by the aforesaid Committee.

10. Needless to say that if the decision, which is likely to be taken by the Committee, goes against the petitioner, he will be at liberty to challenge the same before the appropriate forum, if he so advised. Furthermore, the decision of the Committee shall be forwarded to the petitioner through registered post.

11. With the aforesaid direction, petition stands disposed of.

(Wasim Sadiq Nargal)
Judge

Jammu
09.04.2025
Abinash

