

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO. 669 OF 2022**

Mr. Ishak Haji Patrawala s/o  
of Haji Patrawala  
vs.

...Petitioner

State of Maharashtra  
Through Commissioner of Police and Anr.

...Respondents

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Mr. Prashant J. Rai i/by Prajot Jaggi - Advocate for the Petitioner  
Ms. A. S. Pai - PP for the Respondent-State

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**CORAM : PRASANNA B. VARALE &  
S. M. MODAK, JJ.**

**DATE : 21<sup>st</sup> MARCH, 2022**

**P. C. :-**

- . Not on board. On mentioning taken on board.
2. A limited grievance is raised in the Petition. It is submitted by the learned counsel appearing for the Petitioner that the tenants of the Petitioner-landlord have initiated certain proceedings against the Petitioner. In counter the Petitioner approached the Police Officers submitting his grievance and seeking action against erring persons. The Petitioner was expecting the proper legal assistance from the State Machinery i.e. Police Officer to whom the Petitioner approached. But to the surprise of the Petitioner, the Police Authorities paid no heed to the grievance of the Petitioner.

3. The learned counsel then submits that for the non-action of the Police officials, the Petitioner submitted representations to higher Police Official such as Commissioner of Police. But even those representations were not considered by the Higher Officials.

4. At this stage, Ms. A. S. Pai, learned PP promptly invited our attention to the provision namely Section 22-P of the Maharashtra Police Act. The perusal of the provision reveals that prior to the said amendment to 2015 there was also a forum namely State Police Complaints Authority which was constituted by the Home department under the Government Resolution dated 15/07/2013 and in view of the latest amendment under Section 22-P, the earlier forum cease to exist.

5. Now Section 22-P provides forum for considering the complaint against the Police Officials. It may not be out of place to refer to Section 22P (2) wherein the forum and its members are referred to. Then Section 22-Q states about the Powers and Functions of the Police Complaints Authority. It would be useful for our purpose to refer relevant provisions namely 22-P, 22-Q and 22-Q (1) (a) and it reads thus :

**“22P State Police Complaints Authority**

- (1) The State Government shall, by notification in the Official Gazette, constitute for the purposes of this Act, an Authority to be called the State Police Complaints Authority;
- (2) The State Police Complaints Authority shall consist of the

following members, namely :-

- (a) A retired High Court Judge ...Chairperson;
- (b) A Police Officer superannuated in the rank not below the rank of Special Inspector General of Police ...Member
- (c) A person of eminence from the civil society ...Member
- (d) A retired officer not below the rank of Secretary to the State Government ...Member
- (e) Officer not below the rank of Additional Director General and Inspector General of Police ...Member Secretary

- (3) On the constitution of the State Police Complaints Authority under this Act, the erstwhile State Police Complaints Authority constituted by the Home Department under the Government Resolution, dated the 15<sup>th</sup> July 2013 shall cease to exist :-

Provided that, the complaints and inquiries pending before the erstwhile State Police Complaints Authority shall continue to operate as if such complaints or inquiries are pending with the State Police Complaints Authority constituted under this Act and the recommendations made by the erstwhile State Police Complaints Authority shall continue to operate as if the same are made by the State Police Complaints Authority constituted under this Act.

- (4) The Chairperson of the State Police Complaints Authority shall

be chosen by the State Government out of a panel of names proposed by the Chief Justice of the High Court.

***22Q. Powers and functions of State Police Complaints Authority***

*(1) The State Police Complaints Authority shall exercise the powers and perform the functions as follows:-*

*(a) inquire suo motu or on a complaint against Police Officers presented to it by--*

*(i) a victim or any member of his family or any other person on his behalf;*

*(ii) the National or State Human Rights Commission; and*

*(iii) the police,*

*into the complaint of, -*

*(i) death in police custody,*

*(ii) grievous hurt as defined under section 320 of the Indian Penal Code;*

*(iii) rape or attempt to commit rape;*

*(iv) arrest or detention without following the prescribed procedure;*

*(v) corruption;*

*(vi) extortion;*

*(vii) land or house grabbing; and*

*(viii)any other matter involving  
serious violation of any  
provision of law or abuse of  
lawful authority;”*

6. Then the next stage is Section 22-R which prescribes submission of the report to the State Government. Then Section 22-S makes a provision for Division Level Police Complaints Authority. The care is also taken by making a provision for prosecution of false complaint against the Police Officer under Section 22-T.

7. Considering these aspects, we are of the clear opinion that the Petitioner is not left remediless and for his any grievance complaint against the Police Officials/Officers, he can certainly take resort to above referred provisions.

8. Accordingly, with a liberty to the Petitioner to approach the appropriate forum referred to above in case so advised the Petition is disposed of.

**(S. M. MODAK, J.)**

**(PRASANNA B. VARALE, J.)**