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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 16114/2024 & CM APPL. 67707/2024**

MOHAMMAD LAIK

.....Petitioner

Through: Mr. Sonal Anand, Ms. Surbhi Singh,
Mr. Raja Choudhary, Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Satya Ranjan Swain, SPC with
Mr. Kautilya Birat, GP for UOI
Mr. Tushar Sannu, Mr. Sahaj Karan
Singh, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

21.11.2024

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1. The Petitioner has filed the instant writ petition seeking grant of the Arms license and security cover sought by him from the Respondents. The Petitioner urges that, for this purpose, on 24th June, 2020 he submitted an application seeking grant of Arms licence in light of the various circulars issued by the Respondent, however, the said application is still pending in consideration.
2. The Petitioner further seeks directions to Respondent No. 4 – Deputy Commissioner of Police¹, North-East District, Delhi, to provide police protection/security to the Petitioner which was withdrawn *vide* letter dated 24th September, 2024.
3. As regards Petitioner's request for police protection/security is

¹ "DCP"



concerned, it is important to take note of the background facts which led to the police protection/security being provided to the Petitioner in the first place. The Petitioner is a businessman who has a shop in Prem Gali, Gandhi Nagar, Delhi. On 25th September, 2019, the Petitioner allegedly received a threatening ransom call from an unknown person, which was reported to the nearest police station – P.S. Gandhi Nagar. Subsequently, an FIR bearing no. 0305/2019 dated 04th October, 2019 was registered at P.S. Gandhi Nagar under Section 387 of the Indian Penal Code, 1860².

4. Later, on 07th February, 2020, the Petitioner allegedly received another threatening call from an unknown number, and accordingly lodged another complaint at P.S. Gandhi Nagar. Thereafter, on the intervening night of 7th and 8th June, 2020, the Petitioner alleges that an incident of gun fire took place at night outside his residence. In this regard, the Petitioner once again reported the incident which led to filing of FIR No. 0249/2020 dated 08th June, 2020 under Section 336 and 34 of IPC at P.S. Welcome, Seelampur.

5. In light of the aforementioned factual background, the Petitioner was provided security cover by Respondent No. 4 - DCP, North-East District, Delhi. Thereafter, the Petitioner submitted the application dated 24th June, 2020, for grant of the Arms license for personal safety and security, however, the said application has neither been allowed nor rejected by the licensing authority. Moreover, as noted above, the police protection previously granted to the Petitioner has also been revoked.

6. The Court has heard the contentions of the parties. The Respondents have informed the Court that as yet chargesheet has not been filed in respect

² “IPC”



of the aforementioned FIRs. As regards the security cover is concerned, it is noted that substantial time had lapsed from the date of the incident of gun fire outside the Petitioner's residence and therefore, the Respondents reviewed their decision on 24th September, 2024 by passing the following order:

“Enclosed please find herewith a copy of Memo. No. M/I/745/SRC/Zone-I/16014-21/X-III(B)/PHQ, dated 17.09.2024, received from ACP/X/PHQ, regarding Security Review Committee meeting (SRC/District Protectees) which was held on 30.07.2024 under the chairmanship of Spl. CP/L&O (Zone-I), in connection with to review the security of District Protectees, It has been decided with the approval of the competently authority to withdraw of security cover from Sh. Mohd. Laik S/o Mohd. Shafiq R/o H. No. Z-II/326, Welcome, Delhi, which is self explanatory. Further, DD Entry regarding withdraw of PSO be sent to this office for kind perusal of Senior Officers & record, without fail.”

7. In the aforementioned communication, the Respondents have decided to withdraw the security. In the opinion of the Court, the risk assessment for providing police protection has to be done by the Respondents having due regard to the facts and circumstances, which in the instant case seems to be the substantial lapse of time of 4 years from the last date of threatening incident which was reported by the Petitioner.

8. Nonetheless, in case the Petitioner apprehends that there is a risk to his life or property, the Petitioner is permitted to submit a representation to the Respondents, within a period of ten days from today, narrating the reasons for seeking the continued police protection. The same shall then be considered by them having regard to the facts of the case as well as the applicable law, within a period of 15 days thereafter.

9. As regards, the Petitioner's request for Arms license is concerned, since the decision is yet to be rendered, the Respondents are directed to take



a view on the Petitioner's application dated 24th June, 2020, in light of the applicable extend circulars, in a timebound manner, preferably within a period of six weeks from today.

10. With the above directions, the present writ petition is disposed of along with pending application.

SANJEEV NARULA, J

NOVEMBER 21, 2024/ab