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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1000 OF 2025

Manoj Sadashiv Choudhary,
Age:36 years, Occ.: Business & Agriculture,
R/o. Karanji, Tq. Ashti, Dist.Beed
At present Karve Nagar, Pune.

... Applicant

Versus

1. The State of Maharashtra
Through the Secretary
Home Department, Mantralaya,
Mumbai—400 032.
2. The Director General of Police,
Maharashtra State, Mumbai.
3. The Inspector General of Police,
Chhatrapati Sambhajnagar (Aurangabad),
4. The Superintendent of Police,
Beed, Dist.Beed.
5. The Additional Superintendent of Police,
Beed, Dist.Beed.
6. The Sub-Divisional Officer,
Beed, Dist.Beed.

... Respondents

.....
Mr. Shashikant Shekade, Advocate for Applicant
Ms. P.R. Bharaswadkar, APP for Respondents No.1 to 6
.....

CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 08 SEPTEMBER, 2025

PER COURT :-

1. Heard the learned Advocate for the petitioner.
2. The petitioner has approached this Court for following reliefs:

“C] The respondents may kindly be directed to decide the representation dated 22/04/2025 filed by the petitioner towards the respondents.

D] The respondents may kindly be directed to take appropriate penal actions as per the letter dated 23/05/2025 and 28/05/2025 issued respectively by respondent no.2 i.e. The Director General of Police, Maharashtra State, Mumbai and respondent no.3 i.e. The Inspector General of Police, Sambhajinagar (Aurangabad).”

3. The learned Advocate for the petitioner has taken this Court through the entire proceedings, wherein it appears that since 2020, various FIRs have been filed. According to the petitioner, he was earlier working with the BJP Yuva Morcha, and at the instance of the local MLA, threats were allegedly given to him. The first incident, according to the petitioner, occurred on 25.07.2025. The petitioner had filed a non-cognizable offence against the son of the local MLA. Thereafter, when the petitioner was constructing his house, the local MLA had assaulted him, and at that time, a police constable recorded the incident on video. Still, cognizance of the said incident was not taken. The petitioner and his family members were rather threatened by the

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constable. A non-cognizable offence was also registered in that regard. Thereafter, the petitioner's father was assaulted, and an offence vide C.R. No.49 of 2020 was registered with Ashti Police Station, District Beed, for offences punishable under Sections 385, 324, 327, 34 of the IPC and Sections 4 and 25 of the Arms Act. However, the harassment continued, and an offence punishable under Section 307 of the IPC was registered against the petitioner on 27.02.2020 vide C.R. No.51 of 2020, in which the petitioner was released on anticipatory bail. Another incident occurred on 31.05.2020, for which C.R. No.172 of 2020 was registered with the same police station. The petitioner was arrested in the matter and detained in jail for about three months by showing a bogus case under Section 307 of the IPC, vide C.R. No.171 of 2020. The petitioner was assaulted on 04.04.2021. He was pressured on 18.05.2021 to withdraw the same FIR, and for this purpose, N.C. bearing No.251 of 2021 was registered on 18.05.2021. The local MLA, by gathering an unlawful assembly of accused persons who had previously assaulted the petitioner, along with 30–40 persons and by bringing a JCB and a Poclain machine, demolished the house and property of the petitioner. When the petitioner, his wife, and children were travelling in a car, the mob pelted stones at them, and the petitioner's family sustained injuries in the incident. The property that was demolished was worth Rs.40–50 lakhs. It was given the impression

that the demolition was carried out by the Irrigation Department, Ashti, but later on, the said department clarified its stand that no such action was ever taken by them. FIR in respect of the same was registered vide C.R. No.224 of 2021 on 24.07.2021 for offences punishable under Sections 143, 147, 148, 149, 427, 336, and 379 of the IPC. The petitioner had approached this Court by filing Writ Petition No.938 of 2021. Upon instructions, the learned APP made a state that the necessary sections which are still being left, would be added at the time of filing the charge-sheet. The sections which were left out are 395, 448, 452, 341, 504, and 506 of the IPC. However, when the charge-sheet was filed, Section 395 of the IPC was still missing. According to the petitioner, this was willful disobedience of the order passed by this Court.

4. The learned advocate for the petitioner submits that the local MLA is using his political influence to direct his men to lodge bogus complaints against the petitioner. The petitioner was required to shift to Pune to save his life, but he wants to go to his native place and reside there as he has property at the said place. For that purpose, he requires police protection and, therefore, submitted a representation dated 22.04.2025 to the highest authority, which had then directed the subordinates to take appropriate action, yet that action has not been

taken. Hence, this petition.

5. The learned APP strongly opposes the petition and with the help of an affidavit-in-reply filed by Vijay Laghade, Deputy Superintendent of Police, Ashti, District Beed, submits that after the representation data 22.04.2025 received by the Deputy Superintendent of Police Beed, he had considered all the aspects and reports from the police stations and when it was found that there was no substance in the statement by the petitioner that there is a threat to his life, the said representation has been rejected. After rejection of the said representation, it has been communicated to the petitioner.

6. The first and foremost aspect is required to be noted here that after it was made known to the petitioner that the representation had been rejected by later dated 13.08.2025, there is no amendment made in the petition. There is no challenge to the order then passed and then communicated to the petitioner. Therefore, prayer clause 'C' has become redundant. In respect of prayer clause 'D' for taking the appropriate penal action as per letters dated 23.03.2025 and 23.05.2025 is concerned, the prayer is vague. The communication dated 23.05.2025 appears to be in response to the application under RTI by the present petitioner. The said communication is by the appropriate authority

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under the RTI attached to the office of Director General of Police, State of Maharashtra, wherein it was directed that he should make an enquiry regarding the status of his complaint or representation dated 22.04.2025 from the office of Special Inspector General of Police, Chhatrapati Sambhajanagar Division. The communication dated 28.05.2025 is also under the provisions of RTI for getting status of the complaint application by the petitioner.

7. The first and foremost fact to be noted here is that without disclosing what was there in the confidential report, suffice it to say that the Deputy Superintendent of Police has adopted the procedure to know as to whether the threat of life to the petitioner as alleged by him is persistent or not, and it was found to be not persistent. If we considered the representation dated 22.04.2025 by the petitioner, it gives a list of the proceedings, many of which we already referred to, and most of the incidents had taken place in 2020-2021. The last incident before the recent one occurred on 18.05.2021, for which an N.C. was registered by the petitioner. Thereafter, NC complaint was lodged on 06.04.2022. Even in this complaint, the petitioner has not stated that due to the threat of life to himself as well as his family, they all have shifted to Pune. His Pune particulars has not been stated in representation. Upon enquiry with the learned Advocate for the petitioner it is stated that the

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petitioner and his family shifted to Pune in 2021. Now the question is that if he had already shifted to Pune in 2021, then why does he need police protection from the District Superintendent of Police, Beed. If the petitioner had some threats to his life, he should approach the Police Commissioner, Pune, and if he wants to return to his native place, then he should make a specific statement in the representation. As aforesaid, here also he had not even stated here that he had shifted.

8. In such circumstances, when the sanctioning authority, after careful perusal of the reports received from various police stations, is of the opinion that no such threat exists, this Court cannot entertain the case, even with respect to prayer clause 'D', under Articles 226 and 227 of the Constitution of India or under Section 482 of the Criminal Procedure Code.

9. The criminal writ petition stands rejected.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE