

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

WRIT PETITION NO.4188 OF 2025

Ms Akanksha Arun Mehendale

....Petitioner

Versus

State of Maharashtra & Ors.

....Respondents

Mr. Anurag R. Kulkarni a/w. Mr. Aniruddha P. Mandlik for the
Petitioner.

Mr. Vinod Chate, APP for the Respondent – State.

Mr. Atul Zende, DCP, Zone 3, Kalyan and Mr. Suhas Hemede, ACP,
Dombivli Division, Thane City present.

**CORAM : RAVINDRA V. GHUGE &
GAUTAM A. ANKHAD, JJ.**

DATE : 09th APRIL, 2026

P.C. :

1. On 13th February 2026, we had passed the following order :

1. This disposed off Petition has been placed before us for recording compliance. The first date for recording compliance was 1st December, 2025. The Commissioner of Police, Thane City, issued a Show Cause Notice to the erring officers on 1st December, 2025. The learned APP has placed before us a compilation of 26 pages, out of which, the order of the Writ Court is at page nos.19 to 26. The said compilation is taken on record and marked as 'X-2' for identification.

2. When this matter came up before the Bench having the assignment, on 3rd December, 2025, this Court (Coram: A.S. Gadkari and Ranjitsinha Raja Bhonsale, JJ.) recorded that the alleged punishment imposed upon the Officers may not be proportionate. This prima facie conclusion was drawn after recording in paragraph no.2 of the order that the APP submits that the punishment of stoppage of increment of two years is inflicted upon the said Officers.

3. Since the State had resorted to a change in stance, the Bench placed this matter before the Hon'ble the Chief Justice to be assigned to the Bench which had authored the order dated 19th August, 2025 in the Writ Petition. Hence, this matter is before this Special Bench.

4. Today, the learned APP submits that no order of punishment was inflicted upon the said Officers. Apparently, the learned APP appearing before the earlier Bench on 3rd December, 2025 mis-informed the Bench by stating that punishment of stoppage of increment of two years is inflicted upon the Officers. Had the Bench relied upon this submission of the learned APP, compliance would have been recorded and the matter would have been closed. It is under such circumstances that the matter is before us today.

5. The learned APP informs the Court that a show cause notice was issued to the two Officers on 1st December, 2025 after completion of the enquiry. We, therefore, called upon the learned APP to inform us the date of the chargesheet, the name of the Enquiry Officer, the duration during which the enquiry was conducted, the date of the report of the Enquiry Officer, and whether the two Officers have been held guilty.

6. The learned APP now clarifies that it was a preliminary enquiry. We, therefore, called upon the learned APP to explain as to which rules are invoked under which such a preliminary enquiry could be conducted and punishment of stoppage of 'an increment' for two years could be imposed. He handed over a Circular from the Home Department dated 27th April, 1956, which is taken on record and marked as 'X-3' for identification. On perusal of the said Circular, we find that there is a provision under clause 3(2) (v), by which stoppage of an increment for two years is a prescribed punishment. The proviso below clause 3(2)(v) does not mandate conducting an enquiry if the punishment of stoppage of increment without cumulative effect is to be imposed.

7. The erring Officers are said to have tendered their replies on 9th December, 2025 and 11th December, 2025. The Supervising Authority/Disciplinary Authority is the Commissioner of Police, Thane, who has issued them a notice of hearing dated 10th February, 2026 on the basis of a preliminary enquiry report submitted by Mr. Suhas Hemede, the Assistant Commissioner of Police, Dombivli Division, Thane City. The notice indicates that stoppage of one increment for two years, temporarily and without cumulative effect, is the proposed punishment. On the belief that

this punishment had already been inflicted, the earlier Bench had recorded in the order dated 3rd December, 2025 that the punishment may not be proportionate

8. *Now that the Commissioner of Police has posted the matter for personal hearing, we state that if we find that the punishment is minor and not proportionate, we would pass further orders.*

9. *The learned APP clarifies that the Disciplinary Authority, the Commissioner of Police, is not going to hear the two Officers. The Joint Commissioner of Police would hear the two Officers, and the order of punishment would be passed by the Commissioner of Police. We find this to be an alien procedure. We are beginning to believe that the Police Authorities are leaving loopholes in the entire procedure and, if the erring Officers decide to challenge the action of punishment, these loopholes will give them an advantage in their case.*

10. *Be that as it may, if we are convinced that an alien procedure has been followed, we would direct the Commissioner of Police to restart the enquiry against the two Officers strictly in accordance with the applicable procedure.*

11. *The order of the Writ Court dated 19th August, 2025 directs the Commissioner of Police, Thane, to initiate action. It was specifically stated in paragraph no.13 of the said order, as under :*

13. We direct the Commissioner of Police, Thane to initiate action under an appropriate procedure as is prescribed in the service conditions applicable to Mr. Praveen Ghutugade and Mr. Dhananjay Chavan. We make it clear that the Commissioner of Police would follow the due procedure laid down in law and grant opportunity for showing cause, to both these Officers. If eventually, the Police Commissioner comes to a conclusion that both Officers need to be dealt with in accordance with the service conditions applicable, he would be at liberty to adopt an appropriate and pragmatic procedure and pass appropriate disciplinary orders. Let the Commissioner of Police file a compliance report before this Court on 1st December, 2025.

12. *In view of the above, we expect the Commissioner of Police to issue a notice of personal hearing to the two Officers tomorrow, i.e., 14th February, 2026, and give five days' notice*

period to enable the two Officers to prepare themselves and appear before the Commissioner of Police on the date mentioned in the notice for personal hearing. The Commissioner of Police would hear the two Officers personally and pass an order in accordance with the applicable service rules.

13. We are listing this Petition on 18th March, 2026 at 5.00 p.m. for 'reporting compliance'."

2. Today, the learned Additional Public Prosecutor has placed before us a communication from Shri Ashutosh Dumbare, the Commissioner of Police, Thane, dated 16th March, 2026. The said communication running into 5 pages is accompanied by documents. The compilation is of 13 pages, which is collectively marked **'Exhibit X-4'** for identification.

3. We have considered the communication X-4 addressed to the Additional Public Prosecutor by the Commissioner of Police. It is set out as under :-

a). the procedure for granting a personal hearing to the two police officers, before forming an opinion on the basis of such hearing and the documents available, is followed.

b) an order of punishment is passed, imposing the punishment of stoppage of one increment for 2 years without affecting future increments, as per Rule 3(2)(5) of the Maharashtra Police (Punishments and Appeals) Rules, 1956.

c) both the officers are now attached to the Thane Police Main Control Room without any executive posting for one year.

4. We find that the Commissioner of Police has appropriately dealt with the aspect of the right of hearing and has passed an order of punishment awarding commensurate punishment.

5. When called upon, the learned Advocate for the Petitioner submits that this issue can be closed at this stage by recording the compliance and the Petitioner has no grievance.

6. In view of the above, the compliance is recorded.

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)