

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

WRIT PETITION NO. 916 OF 2026

Mohd. Sadiq Hussain ... Petitioner
versus
State of Maharashtra & Ors. ... Respondents

...
Mr.Mohd. Sadiq Hussain, Petitioner-in-person present.
Mrs.M.M.Deshmukh, I/c. PP and Mr.Ajay S. Patil, APP for the Respondent
-State.
Mr.M.K.Khan, PI, Park Site Police Station.
...

**CORAM : RAVINDRA V. GHUGE &
ABHAY MANTRI, JJ.**

DATE : APRIL 08, 2026

P.C:

1. This matter was heard for quite some time on 06/04/2026,
07/04/2026, and today.

2. The learned Senior Advocate Mr. Anturkar has rendered
valuable assistance to the Court, purely out of his anxiety as a senior
Advocate/member of the Bar, and considering that the Petitioner submits
that he is a practicing Advocate at Mumbai and Lucknow.

3. The Petitioner has put forth prayer clauses (a), (b), (c), and
(d), as under:

*‘a) This Hon'ble Court be pleased to issue a writ of
certiorari or a writ in the nature of certiorari or any*

other appropriate writ, order to quash the closing report in Chief Minister Portal Complaint No DIS/HOMD/MUMS/2025/800;

b) This Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction to respondent no 03 & 04 to discharge their statutory duty under Sections 70 to 83 of the Code of Criminal Procedure, 1973 (or corresponding sections 72 to 85 of BNSS, 2023), to execute the pending Non-Bailable Warrants and Proclamation proceedings against the named accused.;

c) This Hon'ble Court be pleased to issue a Writ of Mandamus or any other appropriate writ, order, or direction under Article 226 of the Constitution of India to direct Respondent No. 1 & 2 to provide adequate security and protection to the Petitioner, considering the credible threats to his life and liberty;

d) Direct Respondent No. 2 to 4 that in the event any further FIR is registered against the Petitioner by the named individuals (Para 21) or their associates, such investigation shall be monitored by the Deputy Commissioner of Police, Zone-7, or an officer of equivalent rank, to ensure fairness and prevent misuse of power, until the disposal of this Petition'.

4. The learned Senior Advocate, Mr. Anturkar, has drawn our attention to a reported judgment delivered by this Court in ***State of Maharashtra versus Tulsidas Nair***, 2022 SCC OnLine Bom 1815, particularly paragraphs 1 to 5 of the said judgment. The fact situation has been narrated therein. To summarize, it indicates that the Respondent in the said application (*supra*) was a person who had been granted police

protection by an order of this Court in Criminal Writ Petition No. 2178 of 2012. The State of Maharashtra had moved the Court for modification of the said order.

5. Mr. Anturkar, the learned Senior Advocate, has drawn our attention to paragraphs 9 to 15 of the said *Tulsidas (supra)* judgment, which read as under:

*'9. Now coming back to the issue as to whether the applicant -State is justified in approaching this Court and seeking modification of the order dated 10th July, 2013, in view of the liberty granted by the Division Bench, it may be necessary for us to refer to the latest Government Resolution placed on record by the learned APP. The latest Government Resolution is dated 4th January, 2018 and the title of the resolutions reads "**Guidelines for providing protection by the police to persons facing threat to life.**" Perusal of the said Government Resolution shows that by the present Government Resolution, all the earlier circulars, resolutions including the resolutions referred to in the application dated 12th May, 1997 and 3rd September, 2000, are superseded. For ready reference, we may refer to that clause in the Government Resolution dated 4th January, 2018, which reads thus:*

"The Government Circular dated 3rd January, 2000 and earlier all other circulars pertaining to the guidelines for providing protection by police to persons facing threat to their life are being superseded and new guidelines are being defined..."

10. The Government Resolution also refers to an order passed by this Court dated 20th September, 2017, in PIL No. 77 of 2016. Then, it is stated that in view of the order

of this Court, the issue of providing police protection was thoroughly considered with deliberation and discussion with all the stakeholders. It would be useful to refer to certain statement in the Government Resolution dated 4th January, 2018. It is stated that in an appropriate case, it will be the obligation of the State, in public interest, to extend the police protection to a citizen whose life is under a threat but a person is not entitled to a police protection as a matter of right nor can it be granted as a matter of course. Clauses 3 and 5 of the Government Resolution are also very useful and the same are reproduced hereinbelow:

"3. While granting police protection in terms of these guidelines, social status of the persons to whom such protection is being granted, would be totally irrelevant. The only relevant factor, in this regard, would be the actual and factual threat to the life of the concerned person and the extent thereof. The concerned Superintendent of Police or the Commissioner of Police as the case may be, shall alone be the appropriate and/or competent authority to take a decision in this regard.

4. It is made clear that the decision, whether or not to grant such protection, the extent thereof, and the duration thereof shall be taken by the concerned Superintendent of Police or the Commissioner of Police as the case may be and the concerned person to whom the protection is to be granted, if any and if at all, will not be entitled to make any claim in that regard as of right."

11. The Government Resolution also refers to three Committees viz. Committee at the level of Police Commissionerate Level, District Level Committee and then there is a Review Committee at the State Level. The constitution of these committees is as follows:

(A) Committee at the level of Police Commissionerate Level

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|----|--|-------------------------|
| 1. | <i>Commissioner of Police
/Joint Commissioner of
Police</i> | <i>Chairman</i> |
| 2. | <i>Additional Commissioner of
Police/ Deputy
Commissioner of Police
(Special Branch)</i> | <i>Member Secretary</i> |
| 3. | <i>Joint / Additional
Commissioner of Police
(Crime)</i> | <i>Member</i> |
| 4. | <i>Deputy Commissioner of
Police (Concerned Zone)</i> | <i>Member</i> |

(B) District Level Committee

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|----|--|-------------------------|
| 1. | <i>Superintendent of Police</i> | <i>Chairman</i> |
| 2. | <i>Deputy Superintendent of
Police (Head Quarters)</i> | <i>Member</i> |
| 3. | <i>Deputy Superintendent of
Police or Police Inspector
(concerned unit) Local
Crime Branch</i> | <i>Member Secretary</i> |
| 4. | <i>Inspector of Police
(District Special Branch)</i> | <i>Member</i> |

Review Committee

- | | | |
|----|---|-------------------------|
| 1. | <i>Director General of Police,
Maharashtra State, Mumbai</i> | <i>Chairman</i> |
| 2. | <i>Additional Director General
of Police (Law and Order),
Maharashtra State, Mumbai</i> | <i>Member</i> |
| 3. | <i>Commissioner, State
Intelligence Department,</i> | <i>Member Secretary</i> |

Maharashtra State, Mumbai

4. *Special Inspector General of Member Police, (Concerned Zone)*
5. *Concerned Commissioner of Member Police or Representative*
6. *Special Inspector General of Member Police (VIP)*

12. Then, we may refer to clause 10, which reads thus:

"10. If police protection is granted to a person in execution of and/or in implementation of a specific order passed by any Court, including the Hon'ble High Court, even such cases shall be considered and the threat perceptions claimed by the person under protection shall be reviewed by the said committee independent of the directions of the Hon'ble Court in its every meeting. After such an exercise if the said committee forms an opinion that in view of changed circumstances the police protection so ordered by the Hon'ble court need not be continued, appropriate steps be immediately taken to bring the changed circumstances to the kind notice of the concerned Hon'ble Court with a specific request for reviewing and/or recalling of its order of ordering grant of police protection to such a person. In case if such a person is reported to have been misusing the police protection so granted to him or her, even such facts and circumstances may be documented from time to time and the same also be brought to the notice of the Hon'ble Court while seeking such a review and/or recalling of its earlier order."

13. Then, there are specifications of the fees to be charged for grant of police protection and necessary reference is made in clauses 14 and 15, which are reproduced herein below:

"14. The protection fee shall be calculated in terms of the formula set out hereunder and shall be charged and recovered accordingly from the person to whom the police protection is so granted as setout hereunder. However, the protection fee shall not be charged to such person whose income is below Rs. 50,000/- per month, in terms of his or her relevant Income tax returns. It is also made clear that the total protection fee shall not, in any case exceeds 15% of the gross income, in terms of his or her relevant Income tax returns, of such person to whom the police protection is so granted.

15. For the purpose of calculating the protection fee and for recovering the expenditure towards grant of protection, average pay of each police personnel provided for police protection, the cost may be worked out as per forumula given below:

$$A=M+(5/6-X/7 \times D)$$

Where, A =average pay

M =Minimum stage in the pay-scale

X =Increment period in the pay-scale

D =Difference in the Maximum and Minimum stage in the pay-scale.

The DA/HRA/CLA/Travelling Allowance should be added in the aforesaid amount to arrive at the figure of the total salary. Taking into consideration the expenditure incurred on the Training given to the concerned Police Staff/Officers and the incidental benefits available to them, 50% of the total salary should be added to the figure of the total salary and the total amount thus arrived at shall form the total monthly protection fee to be recovered from the protected person. It is clarified that to determine

the salary of one day, a month shall be considered of 30 days.

It is further made clear that if in addition to the police personnel, if a police vehicle is also provided, expenditure incurred on the running as also maintenance of the vehicle and the salary of the driver, computed in the above terms should also be charged and recovered from such protected person.

Considering the fact that the Dearness Allowance is enhanced after every six months, the protection fee for each police personnel should be re-determined once in every year on 1st July by increasing the previous protection fees by 5%."

14.Clause 16 makes a reference to exemption of the fees and it reads thus:

"16. However, it is clarified that such fee shall not be charged to any Member of the Parliament or Member of the Legislative Assembly or Member of the Legislative Council for the protection provided to them in connection with any work undertaken by them towards discharge of their official duties. No fees shall be charged to the officers or staff in service of the Government or Semi-Government and/or Corporations of the State Government, if the police protection is provided to them in performance of their official duties. It is clarified that in case if police protection is granted to such officers or staff for any purpose other than such official work, appropriate amount towards the protection fees shall be recovered from them, in terms aforesaid."

15. The Government Resolution also take into consideration a situation wherein there is a need to provide protection to persons having criminal antecedents at their credit and clause which 17 deals with such cases is reproduced hereinbelow:

"17. Persons having criminal antecedents may also have threat to their life. However, more often than not, these threats are creations of their own illegal activities, if not misdeeds or misconducts. Upon grant of police protection, such persons are likely to misuse the police protection and/or utilize it to commit further offences. However, in special and exceptional circumstances or at a particular place or event, where there is instant and real threat to life of such persons and if such person files an application for grant of police protection, the concerned Commissioner of Police or the Superintendent of Police, as the case may be, at his/her discretion consider such application in its proper perspective and by taking into consideration all the relevant factors decide such application, depending upon the threat perception".

6. The learned APP has drawn our attention to the fact that the persons who are related to the Petitioner and against whom the Petitioner desires preventive action to be taken, have already been subjected to preventive action. She has tendered a copy of the Note (3 pages) dated 07/04/2026, prepared by Mr. Hemraj Sinh Rajput, Deputy Commissioner of Police, Zone-7, Mulund, Mumbai. The same is tendered to the Court and is marked as 'X' for identification. The Government Resolution dated

04.01.2018 is tendered to the Court and the same is marked as 'Y' for identification.

7. We find from the said Note that the four accused persons, against whom the Petitioner has expressed serious apprehension, have been subjected to preventive action as set out on page no. 2 of communication X. She is then instructed to draw our attention to the second last paragraph on page no. 3 of Note X, which indicates that an FIR has been registered against the present Petitioner on 05.05.2024 at Park Site Police Station, bearing No. 371 of 2024. Sections 143, 147, 149, 504, 506, and 323 of the IPC have been invoked.

8. Considering the above, and since it has become evident from the record before us that the Petitioner is at loggerheads with some of his relatives, and that no FIR has been registered against any of the concerned relatives in the last two years, who are alleged to have been aggressive, and in the backdrop of the fact that preventive action has already been initiated on 30/05/2024 against four of them, we deem it appropriate to permit the Petitioner to approach the Competent Committee in view of the judgment delivered by this Court in *Tulsidas (supra)*.

9. If the Petitioner makes such an application to the Competent Committee, the Competent Committee would consider the said application by following the due procedure as is normally followed in such cases and arrive at an independent decision as it may deem fit and appropriate.

10. With the above observations, **this Writ Petition is disposed off.**

(ABHAY MANTRI, J.)

(RAVINDRA V. GHUGE, J.)