



2026:DHC:9134



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

% ***Date of Decision: October 12th, 2026***

CNR No. DLHC010331712024

+ **W.P.(C) 7931/2024 & CM APPL. 32729/2024**

GOVERNMENT OF NCT OF DELHI
THROUGH DEPUTY COMMISSIONER
OF POLICE, OUTER DISTRICT NORTHPetitioner

Through: Mr. Amit Tiwari, CGSC with
Ms. Ayushi Srivastava, Mr.
Kushagra Malik, Advocates.
ACP Arvind Kumar, SI Dinesh,
PS Narela Industrial Area.

versus

NATIONAL HUMAN RIGHTS
COMMISSION THROUGH ITS
SECRETARY GENERAL & ANR.Respondents

Through: Ms. Rohini Prasad, Ms. Ashika
Ranjan, Ms. Anupama Jha,
Ms. Ipsita Parida, Advocates for
R1.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. By the present petition, the petitioner challenges the order dated 19.04.2024 (hereafter '**impugned order**') passed by Respondent No. 1 pursuant to which the petitioner was recommended to pay a sum of ₹5,00,000/- as monetary compensation to Respondent No. 2 who is stated to be the next of kin of the deceased Rashid Raza (hereafter '**deceased**').
2. Succinctly stated, the wife of the deceased had passed away on 07.12.2019 under unnatural circumstances pursuant to which inquest

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proceedings were initiated. It is the case of the petitioner that on 08.12.2019, the deceased came to the Police Station Narela Industrial Area without any notice and inquired about the death of his wife. Thereafter, when the staff went to the evening briefing by the SHO, the deceased discreetly locked himself in one of the rooms and committed suicide by hanging himself from the wire of the printer. At about 6:30 PM, one public person namely Mr. Anand Kumar Upadhyay found the deceased hanging in a room through a ceiling fan upon which the duty officer was prompted to raise an alarm.

3. Thereafter, the door was broken, and the deceased was identified as one Mr. Rashid Raza and was thereafter immediately rushed to the hospital. The deceased, upon reaching the SRHC hospital, was declared brought dead. Thereafter, inquest proceedings were conducted, and on 09.12.2019, a medical board was also constituted which determined the cause of death as *asphyxia due to hanging*. By inquest report dated 29.08.2020, the SDM opined that there was no evidence of scuffle or torture by the police at the police station, and the possible reason behind the deceased's suicide could be the death of his wife.

4. Subsequently, NHRC case was initiated, and a show cause notice was issued to the petitioner on 04.10.2023 to show why the commission should not recommend payment of ₹5,00,000/- as monetary compensation to the next of kin. The petitioner was also directed to initiate departmental action against the delinquent police officials and submit a status report. By reply dated 02.12.2023, the petitioner stated that the deceased had come to the police station of his



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own accord and remained free to move unrestrictedly. The reply further stated that there was no dereliction of duty on the part of any officials, and consequently initiation of departmental enquiry or payment of compensation was not warranted.

5. In the aftermath of the same, the impugned order was passed noting that the deceased was in police custody and it was the duty of the police officials to prevent the deceased from doing any mischief. Aggrieved by the same, the petitioner has filed the present petition.

6. The learned counsel for the petitioner submits that the impugned order is erroneous as the same does not disclose any violation of human rights by the police authorities or any negligence in prevention of violation of human rights. He submits that the impugned order is arbitrary inasmuch as the same has been passed in a mechanical manner. He submits that violation of human rights or abetment thereof or negligence in the prevention of such violation by public servant is a *sine qua non* to initiate proceedings under the Protection of Human Rights Act, 1993.

7. He submits that Respondent No. 1 wrongly recorded that the deceased was in police *custody* inasmuch as the deceased had come to the police station of his own accord to inquire about the death of his wife, and the deceased was neither summoned nor made an accused, and was also never subjected to arrest. He submits that the deceased was not in the care, control or security of any officer and was also not restricted to move for Respondent No. 1 to have recorded that the deceased was in custody of the petitioner. He submits that the transcript of the audio recording sent by the deceased to his brother



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clearly indicates that the deceased had committed suicide. He further submits that the CCTV footage clearly shows, at certain timestamps, that the deceased was peeking out of the room, and thereafter closed the room. He submits that in such circumstances, the police could not have had a chance to prevent the unfortunate demise of the deceased.

8. On the other hand, the learned counsel for Respondent No. 1 submits that the petitioner is vicariously liable for the commission of suicide in the premises of the police station. She submits that the police are entrusted with the utmost responsibility of safeguarding the life and property of the public, and they miserably failed to prevent or detect the unfortunate suicide that occurred within the premises of the police station due to their lackadaisical attitude. She submits that the fact that the deceased was present in the police station was also known to the police officials despite which they failed to notice that the deceased had committed suicide which depicts negligence on the part of the police officials.

9. Having taken note of the rival contentions and the material on record, this Court is of the opinion that the stand taken by Respondent No. 1, in the peculiar facts and circumstances of the case, cannot be countenanced.

10. Pertinently, there is no material on record to remotely suggest that the deceased was brought to the police station by the police, summoned, detained or that the police officials, in any manner, had impeded the liberty of the deceased. Infact, it is the consistent case of the petitioner that the deceased had visited the police station of his own volition to enquire about his wife's death.



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11. In addition to the same, this Court has itself perused the CCTV footage appended with the present petition. At time stamp, 15:48, the person seemingly identified to be the deceased, is seen walking freely in the corridor. Thereafter, at time stamp, 15:52, the deceased is seen entering the room. Subsequently, at certain timestamps, the IO can also be seen entering and leaving the room. Thereafter, at timestamp 17:28, the deceased is seen peeking outside the room after which the door is closed as indicated by the cessation of light coming from the room into the corridor. Subsequently, the police officials are seen breaking the door and entering the room upon receipt of information.

12. As noted above, what transpires from a perusal of the CCTV as well as the material on record is that the deceased though *present* in the police premises was not hindered or detained in any manner and was rather moving unrestrictedly inside the premises.

13. Much emphasis has been laid on behalf of Respondent No. 1 on the fact that the police officials were negligent and had the police officials been alert, the death of the deceased could have been prevented. In that regard, it is pertinent to note that it is not in doubt that in accordance with Section 12(a) of the Protection of Human Rights Act, 1993, aspect of negligence in the prevention of any violation of human right by a public servant can be looked into, however, in the facts of the present case, there is no independent basis to develop such an inference of negligence.

14. The term “*negligence*”, though not defined in the Protection of Human Rights Act, 1993, can be understood as the failure to observe, for the protection of the interests of another person, the degree of care,



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precaution and vigilance which the circumstances justly demand, whereby such other person suffers injury.

15. The death, though extremely unfortunate, does not *ipso facto* raise a presumption of negligence. The location of the death though a *relevant* factor ought not to be the *only* factor to fasten liability.

16. The inquest report by the SDM discloses that there was no evidence of scuffle or torture by the police at the police station. As noted above, significantly, the CCTV footage suggests unrestricted movement on the part of the deceased and also suggests that the incident may have occurred without the police having a reasonable opportunity to intervene. In such circumstances, in the absence of material establishing a specific omission, prior knowledge of imminent danger, or a reasonable opportunity to prevent the occurrence, negligence cannot be fastened upon the police by inference alone merely because the deceased happened to be at the police station. A tragic consequence, however grave, does not by itself establish culpable inaction. This Court does not intend to and is not stating that police officials ought not to be vigilant or that unnatural death when in custody of police may not attract consequence. Having noted so, liability *must* rest upon demonstrable negligence and not merely hindsight or presumption. What Respondent No. 1 has essentially sought to punish in the present case is the lack of hindsight on the part petitioner to have anticipated and consequently prevented the death of the deceased who had come to the police station voluntarily and whose movement was not restricted. The same cannot, in the opinion of this Court, be countenanced.



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17. The proceedings before Respondent No. 1 are summary in nature, and in view of the contentions as noted above, the recommendation made by Respondent No. 1 for payment of ₹5,00,000/- as monetary compensation on the ground that there was negligence in the prevention of violation of human rights on the part of the police officials, cannot be sustained.

18. Accordingly, in view of the above, and in the peculiar facts and circumstances of the case, the present petition is allowed, and the impugned order is set aside.

19. Pending application also stands disposed of.

AMIT MAHAJAN, J

OCTOBER 12, 2026

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