



2025:DHC:1471-DB



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

+ W.P.(C) 2762/2025, CM APPLs. 13162/2025 & 13163/2025

COMMISSIONER OF POLICE & ORS.Petitioners
Through: Mr. Shashank Dixit, CGSC
with Mr. Rohit Gupta, Advs.

versus

PRATAP SINGH & ORS.Respondents
Through: Mr. Anil Singal, Adv.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER (ORAL)

05.03.2025

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1. A joint departmental enquiry was initiated against the respondent and certain other officials of the petitioner, based on F.I.R. No. 33/08 registered against them under Section 7/13 (1)(a)(d) and 13(2) of the Prevention of Corruption Act read with Section 384/120-B/34 of the IPC at PS AC Branch, GNCT of Delhi.

2. The accused, including the respondent, were arrested and released on bail. On 16 September 2017, the disciplinary proceedings culminated in an order of penalty against the respondent passed by the disciplinary authority. The respondent appealed against the said order. The appeal was dismissed by the Appellate Authority on 22 January



2018.

3. Prior thereto, by orders dated 27 May 2017 and 6 July 2017, the respondents were discharged in the criminal cases instituted against them by the learned Special Judge, PC Act on the ground that there was no valid sanction obtained prior to institution of the said cases.

4. Thereafter, the Joint Commissioner of Police, on 7 November 2017, passed an order in which it was opined as under:

“Therefore, no further departmental action is warranted against HC (Exe.) Pratap Singh No. 265/ND (now 5191/DAP) (PIS No. 28823865), Ct. Bhageerath Meena No. 1175/ND (now 8960/DAP) (PIS No. 28030046) and Ct. Kishore Kumar No. 1434/ND (now 8845/DAP) (PIS No. 28900927). However, their names are hereby removed from the list of police personnel involved in criminal cases for the above said case in this battalion.”

5. In these circumstances, the respondents jointly approached the Central Administrative Tribunal¹ by way of OA 2187/2018, praying that, as they have been discharged in the criminal cases instituted against them, the disciplinary proceedings could not continue.

6. The Tribunal has, by judgment dated 12 August 2024, allowed the respondents' OA. Aggrieved thereby, the Delhi Police is before us by means of the present writ petition.

¹ “Tribunal” hereinafter



7. We have heard Mr. Shashank Dixit, learned Counsel for the petitioner and Mr. Anil Singal, learned Counsel for the respondents.

8. Mr. Dixit submits that the present case falls within Rule 12(a)² of the Delhi Police (Punishment and Appeal) Rules, 1980³ as the orders passed by the learned Special Judge reveal that the criminal charge against the respondent had failed on technical grounds on non-obtaining of appropriate sanction.

9. We might have examined this aspect. However, we find that the order of discharge was passed by the learned Special Judge as far back as on 27 May 2017. Nearly eight years have elapsed since then.

10. Mr. Singal, learned Counsel for the respondent submits that no charge sheet has thereafter been filed against them before the learned Special Judge.

11. Keeping in view this fact, and the fact that, on 7 November 2017, the Joint Commissioner of Police had also decided not to continue the proceedings against the respondent, we do not deem this to be a fit case for interference with the impugned judgment of the

² 12. **Action following judicial acquittal.** – When a police officer has been tried and acquitted by a criminal court, he shall not be punished departmentally on the same charge or on a different charge upon the evidence cited in the criminal case, whether actually led or not unless –

(a) the criminal charge has failed on technical grounds

³ “DPPAR” hereinafter



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Tribunal in exercise of our jurisdiction under Article 226 of the Constitution of India.

12. The writ petition is accordingly dismissed in *limine*.

C.HARI SHANKAR, J.

AJAY DIGPAUL, J.

MARCH 5, 2025/ar

Click here to check corrigendum, if any