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

+ **W.P.(C) 7199/2018**

ASSISTANT COMMISSIONER OF POLICE Petitioner

Through: Mr Gautam Narayan, ASC for
GNCTD with Mr Abhinav Goyal, Ms
Mahamaya Chatterjee, Ms Shivani
Vij, Advocate with Inspector Shyam
Sunder and SI Mahesh Sharma,
Crime Branch.

versus

NATIONAL HUMAN RIGHTS COMMISSION Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.07.2018

CM No. 27421/2018

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 7199/2018 and CM No. 27420/2018

3. The petitioner has filed the present petition, *inter alia*, impugning an order dated 03.05.2017 passed by the National Human Rights Commission (NHRC) awarding a sum of ₹5,00,000/- as monetary relief to the next of kin of the deceased, Shahaji Azad.
4. Shahaji Azad was taken in custody by the Delhi Police at 12.06.2010

from the Indira Gandhi International Airport, Delhi (IGI Airport) on account of unruly behaviour. It is stated that Shahaji Azad (since deceased) was attacking co-passengers and a crowd had gathered at the material time, that is, at the early hours of 12.06.2010. Shahaji Azad had also attacked a CRPF Guard deployed at the IGI Airport. After being taken into custody, he was kept at the IGI Police Station. It is claimed that at around 6.00 AM, the deceased had gone to the toilet to relieve himself and had fallen down. He was then immediately rushed to the hospital and thereafter, was declared dead.

5. There is no dispute that Shahaji Azad had died in the police custody. The death was caused by asphyxia. The Metropolitan Magistrate had examined the case and directed that an FIR be registered for murder. It is the petitioner's case that the deceased suffered from *Dhatura* poisoning and perhaps had throttled himself. This explanation, as to how the deceased had died, is difficult to accept. However, this Court is refraining from dwelling in that issue any further, as it is not the scope of the present petition.

6. NHRC had proceeded to pass the impugned order awarding the sum of ₹5,00,000/-, as there is no dispute that the death of the deceased was in the custody of the police.

7. In view of the above, this Court finds no reason to interfere with the impugned award. It is also noticed that NHRC has, by the impugned order, called upon the Police Authorities to submit the status report as to whether any FIR was registered against the concerned police officials and the status of the proceedings. This Court is informed that the case in this regard has

been closed, as material in this regard was available on the record of NHRC. It is apparent that the same has escaped the attention of NHRC.

8. In view of the above, the petitioner is directed to comply with the impugned order and provide the necessary details to the NHRC once again, notwithstanding that the same are already available with NHRC. Needless to state that NHRC would be at liberty to take any steps as permissible in law, in this regard.

9. The petition is disposed of with the aforesaid observations. The pending application is also disposed of.

JULY 13, 2018
RK

VIBHU BAKHRU, J