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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 504/2021, CRL.M.A. 3520/2021**
NARESH KUMAR

.....Petitioner

Through: Mr. S.P. Yadav, Advocate, through
V.C.

versus

NATIONAL HUMAN RIGHTS COMMISSION & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
with

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

28.08.2025

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1. A Petition under Article 226/227 Constitution of India has been filed with the prayer to quash the proceedings before the National Human Rights Commission in relation to case No.151/30/02/2018 and all consequential proceedings emanating therefrom including Order dated 12.01.2021 issued by Commissioner of Police, Delhi.
2. The **brief background** is that a Chargesheet in FIR No.400/2016 registered at Police Station Safdarjung Enclave had been filed against the Respondent, No.5 Deepa Arya without arrest on 03.01.2017. The Petitioner Naresh Kmar SI was the Investigating Officer who had submitted the Chargesheet. It is claimed that unnecessary and frivolous controversy has been generated by the Accused/Respondent No.5 Deepa Arya.
3. Deepa Arya got a conditional Bail from learned M.M vide Order dated 05.05.2017. She from her own mobile, sent extortion threats through



SMS to Mrs. Purnima Uppal (complainant in the FIR) and her brother, on 15.09.2017 resulting in registration of FIR No.383/2017 P.S. Safdarjung Enclave under Section 387 IPC. Consequent to breach of Bail conditions, the Bail of Deepa Arya was cancelled vide Order dated 13.11.2017. On 12.12.2017 Deepa Arya from her mobile again threatened the Complainant. There is a checkered history of the threats and such acts made by Respondent No.5. On 18.12.2017, after paying bribe on 17.12.2017 to concerned Police officials, she was who detained her at Rohini. She concealed herself at Mayur Vihar residence of her Counsel for evading the Police. However, upon information, the Petitioner reached her place of hiding, but had left the house upon being intimated about Order of this Court, whereby it was directed that no coercive action be taken against her.

4. Two frivolous Complaints were filed at the instance of Deepa Arya before NHRC in respect of same incident, with a view to harass the Petitioner by projecting a false and concocted version of the incident dated 17.12.2017 and 18.12.2017. On 12.03.2020, a compensation of Rs.50,000/- each in the two Complaints was directed to be paid to her. Thereafter, a major amount of Rs.3 lakhs was granted without issuance of any Notice to the Petitioner.

5. Another false Complaint dated 03.02.2020 was made in the Department. A Vigilance Enquiry was conducted in which all the allegations made by Deepa Arya, were found to be baseless. On 23.01.2021 after considering the actual facts in the Complaint filed before Hon'ble LG of Delhi it was concluded by P.S. Safdarjung Enclave that the allegations of Deepa Arya in respect of incident dated 17.12.2017 and 18.12.2017 were false, in view of her own statements. However, the salary of the Petitioner



got deducted for recovery of compensation granted by NHRC in one sided proceedings conducted against the Petitioner. In February, 2021.

6. The Petitioner has made a prayer that the proceedings before NHRC be quashed along with the Order dated 12.01.2021 issued by the Office of Commissioner of Police, Delhi.

7. The Record shows that the grievance of the Petitioner is not against the Order of NHRC vide which the compensation has been granted, which had been directed to be paid by the Department to the victim. There were no specific directions for recovery of the compensation amount from the Petitioner. The Respondent No.2 to 4 on personal enquiry, have found that the allegations made against the Petitioner were baseless. Pertinently, the compensation Despite having noted that the Order was baseless and the Department would approach the NHRC, but apparently nothing has been done till date. It seems that the Order of the NHRC has not been challenged by the Department. However, the compensation amount of Rs.3 lakhs has been deducted from the salary of the Petitioner despite a finding that there was no fault on the part of the Petitioner. Clearly, the controversy is limited to erroneous deduction of the compensation amount from the salary of the Petitioner.

8. Learned counsel for the Petitioner submits that he may be permitted to withdraw the Petition with liberty to approach the appropriate Forum to challenge the Order of the Department dated 08.08.2019 vide which the compensation amount is sought to be deducted from his salary. Further, interim protection which was granted in this case, to continue till the filing of the Petition before the appropriate Forum.

9. **Submissions heard and record perused.**



10. The Petition is permitted to be withdrawn with the liberty as prayed for.
11. The Interim Protection staying the recovery of the compensation amount from the salary of the Petitioner, shall remain operative for two months or till the filing of the Petition, whichever is earlier.
12. The Petition is accordingly disposed of.

NEENA BANSAL KRISHNA, J.

AUGUST 28, 2025/va