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

**CRIMINAL WRIT PETITION (ST) NO. 760 OF 2024**

**ANAND  
SUDHAKAR  
SUDAME**

Mrs. Babita Pawan Jha  
Age : 50 years, Occ : Housewife  
Indian inhabitant

.. Petitioner

Digitally signed  
by ANAND  
SUDHAKAR  
SUDAME  
Date:  
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15:09:18 +0530

R/at : Vimladevi Chawl,  
Gaodevi Road, Poisar,  
Kandivali (E),  
Mumbai – 400 071.

Versus

The State of Maharashtra  
(At the instance of Inspector of  
Police, Bangur Nagar Police Station)

.. Respondents

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Mr. Bharat V. Bhatia i/b. Ms. Rita Bhatia a/w. Ms. Priyanka Pardeshi &  
Ms. Kirti S. Kataria, Advocates, for the Petitioner  
Ms. Gauri S. Rao, APP, for the Respondent – State  
Mr. Revendra Avhad, Sr. PI a/w. Mr. Ashfaque Shaikh, PI, Bangur  
Nagar Police Station present

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<b>CORAM</b>	<b>:</b>	<b>RAVINDRA V. GHUGE &amp; GAUTAM A. ANKHAD, JJ.</b>
<b>RESERVED ON</b>	<b>:</b>	<b>26<sup>th</sup> August, 2025</b>
<b>PRONOUNCED ON</b>	<b>:</b>	<b>3<sup>rd</sup> September, 2025</b>

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**JUDGMENT (PER : GAUTAM A. ANKHAD, J.)**

1. Rule. Rule is made returnable forthwith. The matter is heard finally with the consent of the parties.

2. On 17<sup>th</sup> August 2022, the Petitioner lodged a complaint against unknown persons/truck driver for causing the death of her son, who was riding a two-wheeler scooter bearing No. MH-05-EF-4731. The incident took place near Raunak Masjid, New Link Road, Malad, Mumbai. Pursuant thereto, Bangur Nagar Police Station registered C.R. No. 651 of 2022 dated 17<sup>th</sup> August 2022, under Sections 209 and 304-A of the IPC and Sections 134(A) and 134(B) of the Motor Vehicles Act, 1988.

3. As per the FIR, a speeding truck hit the scooter from behind, causing the Petitioner's son to fall. His helmet was dislodged, and he was subsequently run over by the truck. At the time of the incident, the Petitioner was riding a separate two-wheeler along with Mr. Naveen D'Costa, while her son was on scooter bearing No. MH-05-EF-4731. The Petitioner, being in a state of shock and horror, could not note down the number plate of the offending truck.

4. The Petitioner has contended that, despite registration of the FIR, the police acted negligently and in a callous manner in concluding the investigation. Her repeated pleas to the police to trace the culprit were disregarded by the authorities. In these circumstances, on 4<sup>th</sup> June 2024, the Petitioner has approached this Court seeking the following reliefs:

- (a) To issue 'Writ of Mandamus' or Writ in the nature of Mandamus or any other appropriate Writ, direction or Order to the Respondent, to forthwith file the details of the investigation conducted till now and further direct the Police authorities of Bangur Nagar Police Station to file the Charge-sheet immediately in respect of the FIR dated 17/8/2022;
- (b) To grant any other and further relief as this Hon'ble Court may deem fit and proper.

5. The matter was first heard on 17<sup>th</sup> January, 2024 and thereafter on nine occasions. During these hearings, the Court was assured that the investigation was in progress and under the supervision of the Deputy Commissioner of Police, Zone XI. It was further submitted that efforts were being made to trace the vehicle and persons involved in the incident. Two Affidavits were filed - one by Mr. Dnyadev Pawar, Police Sub-Inspector, on 27<sup>th</sup> March 2024, and another by Mr. Anand Bhoite, Deputy Commissioner of

Police, on 22<sup>nd</sup> April 2025, setting out the steps taken in the investigation. However, despite these efforts, the investigating team failed to identify the Accused, and no conclusive leads emerged regarding the truck, its driver, or its owner. Hence on 25<sup>th</sup> October 2023, 'A' Summary was filed before the learned Magistrate. After this petition was filed, PSI Pawar re-commenced the investigation. It is stated that neither he nor subsequent officers were able to trace the accused or the vehicle.

6. We heard the parties at length on 5<sup>th</sup> August, 2025 and recorded our displeasure at the slow pace of investigation and the inability of the police to trace the Accused. On that date, the following Order was passed:

*"1. We have perused the order dated 21<sup>st</sup> October, 2024, passed by this Court, and the subsequent orders. It was due to the intervention of this Court that the Deputy Commissioner of Police, Zone-11, initiated an investigation into the accident that occurred on 17<sup>th</sup> August, 2022. A young man passed away in a road accident. A heavy motor vehicle (truck) hit his scooter and crushed him to death. He was the only son of the parents with two sibling sisters. He was in employment and was unmarried.*

*2. We grant liberty to the learned Advocate for the Petitioner to address the Court on the issue of quantifying compensation, since, prima facie, we find that hardly any investigation was carried out into the accident. In 2025, some photographs of few trucks were taken, and six sets of photographs*

*were placed before us which, prima facie, appear to be an eye wash to suggest that the Police Authorities had investigated the matter and found no clues.*

3. *On the next date, the learned APP shall give a list of the Police Officers who were in-charge of the concerned Police Station from 17<sup>th</sup> August, 2022 onwards.*

4. *List this Petition on 25<sup>th</sup> August, 2025 in the urgent admissions category. Needless to state, that we would be hearing all the parties on all the issues in this case, before we form any opinion.”*

7. Today, we have heard Mr. Bhatia, learned Counsel for the Petitioner, Ms. Rao, learned APP, and Police Inspector Mr. Ashfaque Shaikh. Ms. Rao has informed us that the police have identified the vehicle and its owner, and have also traced the Accused driver. A Charge-sheet has already been filed on 7<sup>th</sup> August, 2025. In compliance with paragraph 3 of our Order dated 5<sup>th</sup> August 2025, Ms. Rao has filed a list of police officers who were in charge of the police station, together with the names of the investigating officers. The said list, signed by Mr. Ashfaque Ahmad Noor Ahmad Shaikh, Police Inspector, Bangur Nagar Police Station, Link Road, Mumbai, has been taken on record and marked as ‘X’ for identification.

8. Upon perusal of the record and the Affidavits filed, we find that

the police has been grossly callous in conducting the investigation. A young man lost his life in a hit-and-run incident on 17<sup>th</sup> August 2022, yet it has taken nearly three years for the police to trace the Accused and file a Charge-sheet. Ms. Rao has informed us that the Accused was traced by methods such as comparing e-challans issued on the date of the incident and tracking the vehicle's entry into Mumbai. If these steps were indeed effective, we fail to understand why they were not taken by the earlier investigating officers during the preceding three years. No explanation was forthcoming from the learned APP on this.

9. The Affidavits filed by the police reflect an attitude of helplessness in tracing the Accused. It appears that only after this Court cautioned the police of possible consequences, did the investigation gain momentum. The lackadaisical approach adopted over the last several years is seriously depreciable. The police authorities have fallen short of the standards expected by citizens. In our view, the earlier Investigating Officers must be held accountable for their indifference. Their conduct has been nothing short of shocking and deserves condemnation.

10. In particular, PSI Mr. Dnyadev Pawar, who handled the

investigation between 17<sup>th</sup> August 2022 and 22<sup>nd</sup> August 2024, must explain his negligence and indifference. Notably, he failed to seize the muddemaal scooter (MH-05-EF-4731), a basic step expected in such cases, and did not even bring the vehicle to the police station. This reflects a clear lack of seriousness and dereliction of duty. Further, the e-challan data, which has now formed a part of the Charge-sheet, was available from the outset. There is no justification for the failure to explore this line of inquiry earlier. The three-year delay in filing the Charge-sheet is wholly unjustifiable. We are, therefore, constrained to direct the Director General of Police to initiate a departmental inquiry against PSI Mr. Pawar for dereliction of duty and faulty investigation, and to take appropriate action in accordance with the established rules and procedure. We are informed that Mr. Pawar is presently posted with the DIG, Nagpur.

11. The Court notes that the second Investigating Officer PSI Sharad Waghmare, handled the case for a brief period of three months. Thereafter, the current investigating officer Mr. Shaikh was ultimately able to trace the Accused. For these reasons, we do not find it necessary to recommend any action against these two officers.

12. In view of the Charge-sheet having now been filed, the Petition

stands worked out in terms of prayer (a) of the petition. **Therefore, this Petition is disposed off.** Rule is made absolute. Undoubtedly, this delay in investigation has caused immense prejudice to the Petitioner. To ensure that there is no further delay, we issue the following directions :-

- (a) The Trial Court shall expedite the proceedings and conclude the trial preferably within one year from today;
- (b) The State is directed to ensure that the trial progresses without obstruction or delay and all the parties shall co-operate for the expeditious disposal;
- (c) After the Trial Court delivers its Judgment, the Petitioner shall be entitled to approach the Motor Accident Claims Tribunal for compensation, if such a remedy is available to the Petitioner. We direct that the period spent before this Court and the Trial Court shall be excluded for the purpose of limitation before the Tribunal; and
- (d) The Trial Court and the Motor Accident Claims Tribunal shall not grant any adjournments, save and except for the most compelling reasons to be recorded in writing.

**[GAUTAM A. ANKHAD, J.]**

**[RAVINDRA V. GHUGE, J.]**