



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPLICATION NO.29 OF 2018**

Sumit Sunil Chavan	]	
Age: 21 Years, Occup. Student	]	
Residing at Khalewadi, Post Bhingar	]	
Taluka and Dist. Ahmednagar	]	...Applicant

**V/s.**

1. State of Maharashtra	]	
Through Police Inspector,	]	
Kapoorbawdi Police Station,	]	
Thane.	]	
2. Shri. Babasaheb Sahebrao Hardas,	]	
Residing at Shrikrushnagar,	]	
Aakegaon Road, Shegaon,	]	
Tal. Shegaon, Dist: Ahmednagar	]	... Respondents

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Ms. Sonali R. Chavan a/w Dr. Uday Warunjikar, Advocate for the Applicant.  
 Mr. J.P. Yagnik, APP, for the Respondent-State.

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**CORAM : A. S. GADKARI AND  
 KAMAL KHATA, JJ.**  
**RESERVED ON : 17<sup>th</sup> April, 2026.**  
**PRONOUNCED ON : 6<sup>th</sup> May, 2026.**

**JUDGMENT (PER : KAMAL KHATA, J.) :**

1) By Writ Petition No.628 of 2017, the Petitioner seeks a direction to the Assistant Commissioner of Police, Thane to carry out further investigation in Crime No.I-36/2016 registered with Kapurbawdi Police Station, Taluka and District Thane for the offences punishable under

Sections 279, 337, 338 of Indian Penal Code and under Sections 184, 134(A)(B) of Motor Vehicle Act. Additionally, the Petitioner seeks a transfer of the investigation from the Police In-charge, Kapurbawdi Police Station, Taluka and District Thane to the Assistant Commissioner of Police or any other competent Authority as this Court may deem fit and proper.

2) Mr. Anirudh Pote, learned Advocate for the Petitioner submits that, the Petitioner is the father of Kartik Babasaheb Hardas (the deceased). He submits that, Kartik was meritorious student and a certificate holder for playing Kho-Kho at the State level from various authorities. He alleges that, Kartik lost his life due to the acts of one Sunil Chavan and others. Since, the Petitioner found no satisfactory action was taken by the Police Authorities, the Petitioner was constrained to file the present Writ Petition.

3) He submitted that, on 31<sup>st</sup> January, 2016, the trainer of the deceased had taken all the students, who were taking part in the competition to R-Mall. According to him, while returning from there and crossing the road, the trainer was careless and consequently, the deceased was hit by an unknown vehicle. According to him, therefore, the trainer was responsible for the death of the deceased.

4) An F.I.R. bearing Crime No.I-36/2016 came to be registered with the Kapurbawdi Police Station. The panchnama and postmortem report recorded the cause of death owing to head injury. He submitted that, despite making a representation on 8<sup>th</sup> March, 2016, the concerned police

station had failed to furnish the documents to the Petitioner. On 7<sup>th</sup> May, 2016 and 7<sup>th</sup> June, 2016, the Petitioner requested the Authorities to record an offence of murder and carry out investigation for the same under Section 302. Another representation was made by the Petitioner on 27<sup>th</sup> July, 2016 seeking details of investigation that were carried out by the Respondents. The Petitioner also made various applications under the Right to Information Act seeking such information. However, no information has been furnished to the Petitioner.

5) Dr. Uday Warunjikar and Ms. Chavan, learned Advocates appearing for the Applicant drew our attention to the Application No.29 of 2018 and the Annexures thereto. Dr. Uday Warunjikar submitted that, the Criminal Application No.29 of 2018 seeks the following reliefs:-

(a) Be pleased to call for the record and proceedings of the C.R. No. I 250/2017 dated 1.2.2017 for the offence punishable under Section 336 of the Indian Penal Code and Section 75 of the Protection of Children from Sexual Offences Act, 2012 (POCSO) and after going through the same and after satisfying its validity, propriety and the legality of the same, be pleased to quash and set aside the same.

(b) During the pendency of this criminal application, be pleased to restrain the Respondent from curtailing personal liberty of the present Applicant herein.

(c) Ad-interim relief in terms of prayer clause (b) be granted.”

6) Dr. Uday Warunjikar submitted that, the present incident was purely an accident. He submitted that, the Applicant himself is a Kho-Kho player with very good credentials. He has worked as team manager for district team, who had participated in Kho-Kho tournament. Dr. Uday Warunjikar submitted that, all players who had participated in the tournament had gone for dinner at the mall. It was while crossing road that the deceased apparently stepped down from the divider that caused the unfortunate accident by the speeding vehicle. Dr. Uday Warunjikar submitted that, the ‘A’ Summary Report had already been filed and accepted by the Magistrate and an Order thereon was passed on 21<sup>st</sup> December, 2016.

7) Mr. Yagnik, learned APP for the State, submitted that the present case was a simple case of a road accident. He invited our attention to the First Information Report dated 1<sup>st</sup> February, 2016 and submitted that, the car that caused the accident, which killed the deceased, could not be traced. He further drew our attention to the statements recorded by the other students and particularly of Aditya Sunil Kudale.

8) The other students namely, Abhishek Bhausahab Manchare, Dipak Abasaheb Mate, Rahul Janardan Talekar, Amol Sanjay Lande, Aashay Dadasaheb Dhole, Shubham Rajendra Rise, Tejas Ashok Misal, Abhay Kiran

Sarode have also reiterated the aforesaid statement.

9) The other witnesses namely, Mr. Sumit Sunil Chavan, Mr. Bharat Dattatray Thorat, Mr. Nirmalchandra Mahadev Thorat, Ashok Dhanraj Pitale and Mr. Shaikh Ali Badshah have also given similar statements about the fateful incident.

10) We have heard Advocates for the Petitioner as well as Respondents. We find merit in the submission of Mr. Yagnik, learned APP for the State as well as Dr. Warunjikar for the Applicant, we have also carefully considered the material placed on record.

11) In our view, it is plainly a case of an accidental death. The allegations levelled by the Petitioner are wholly unfounded. We find neither motive, nor intent nor any malafides attributable either to the Applicant-trainer or to the students, who had accompanied the deceased to R-mall so as to even remotely suggest any intention in causing the death of the deceased. The statements of each of the fellow students, who were witnesses to the unfortunate accident clearly indicate that, they were all holding hands with one another while attempting to cross the road standing on the divider. Unfortunately, the deceased appears to have stepped down on the road and was struck by a speeding vehicle, resulting in the accident. We find no reason to attribute blame either to the fellow students or the Applicant-trainer in respect of this unfortunate episode. We are of the view that, this was a tragic accidental death, and nothing more.

12) Moreover, the "A" summary report filed was accepted by the Magistrate on 21<sup>st</sup> December 2016.

13) In view of the above, Criminal Application No.29 of 2018 is allowed in terms of prayer clause (a).

14) As per our Order dated 17<sup>th</sup> April, 2026, the Criminal Writ Petition No.628 of 2017 has been placed for hearing on 12<sup>th</sup> June, 2026

**(KAMAL KHATA, J.)**

**(A.S. GADKARI, J.)**