IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2821 OF 2025

Raaid Mohteshim Ahmed Khan)
Indian inhabitant, Aged 24 years)
Occupation : Student)
Having address at 173, Thakur Niwas,)
4th floor, Flat No.18, Jamshedji Tata Road,)
Churchgate, Mumbai 400 020.) ...Petitioner

Vs.

1. The State Of Maharashtra)
Through Marine Drive Police Station,)
Dinshaw Vacha Rd, in front of C.C.I. Club)
behind Yashodhan Bldg, Churchgate,)
Mumbai, Maharashtra 400 020.)

2. Mr. Vikas Chandanshive)
Age 28 years, Occ. Service)
Residing at 202 Vighnaharta Apartment)
Building No.01 Haji Malang Road,)
Kalyan (E).) ...Respondents

Mrs. Manjula Rao, Senior Advocate a/w. Mr. Manmohan A. Amonkar for Petitioner.

Smt. M. M. Deshmukh, APP for Respondent No.1-State.

Mr. N. V. Anbhule, PSI, Marine Driver Police Station, Mumbai.

This Order is modified/corrected pursuant to the Speaking to Minutes of Order dated 16/1/2026.

CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.

RESERVED ON : 16th June 2025.

PRONOUNCED ON : 18th July 2025.

JUDGMENT (Per : RAJESH S. PATIL, J.) :-

1) Rule. Rule is made returnable forthwith and by consent of learned Advocates for both the parties, Petition is taken up for final hearing.

2) This Petition filed under Article 226 of the Constitution of India and under Section 482 of the Code of Criminal Procedure and Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, is seeking quashing of Criminal Case No. PS/79/2021 arising out of First Information Report (FIR) No.319 of 2020 dated 14th June 2020, registered under Sections 279, 336 along with Sections 183, 185, 179 of the Indian Penal Code and Section 51B of the Disaster Management Act, 2005 with Marine Drive Police Station, Mumbai.

3) It is alleged in the FIR, that on 14th June 2020, between 7.15 a.m. to 7.35 a.m., five cars were being driven recklessly and negligently from Mafatlal Bath Junction to N.C.P.A. N.S. Road and from N.C.P.A. to Churchgate Junction, Marine Drive, Mumbai, by taking crazy turns and thus, endangering drivers own lives as well as, that of others. Amongst the said cars one was ‘Skoda Laura’ bearing registration No.MH-12-GR-7634

driven by Petitioner. Hence, an FIR was lodged on a complaint filed by First Informant.

4) Petitioner was released on bail and after the police conducted investigation, charge-sheet has been filed before the Additional Chief Judicial Magistrate, 3rd Court, Esplanade, Mumbai. The case is numbered as C.C.No.79/PS/2021. Since, after filing of charge-sheet and nothing happened for four years, hence Petitioner has preferred present Petition, under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure.

5) It is submitted on behalf of Petitioner that, FIR and the charge-sheet did not disclose any criminal offence committed by Petitioner. The offence under Section 279, 336, 183, 185, 179 of the IPC is not made out as there was no rash and negligent driving by Petitioner. It was a Pandemic period and according to the prosecution's own case, the cars were driven in morning at around 7.00 a.m. and due to Pandemic, the roads were completely empty and it is no one's case that due to alleged rash driving either the life of any human was endangered or injury was caused to any person or to any property. Except a bald statement, there is no evidence to substantiate the charge under Section 279 of the IPC. The FIR registered against Petitioner is false and absurd on the face of the record. No purpose will be served in keeping the matter pending further. Smt. Rao further submitted that, at the most cost can be imposed and the FIR and charge-

sheet can be quashed and set aside. She further submitted that, Petitioner is voluntarily ready and willing to pay a cost of Rupees Two Lakhs to the Bar Council of Maharashtra and Goa's Advocate Academy & Research Centre. Hence, the FIR and the charge-sheet need to be quashed and set aside.

6) In response, learned APP submitted that, Petitioner along with other co-accused was driving his vehicle in the rash and negligent manner, thereby creating a fear not only to himself but also to others. Based on the complaint of First Informant, the FIR has been lodged and the statements of the witnesses have been recorded. This is not a case wherein at this stage, charge-sheet and the FIR be quashed.

7) We have heard learned Advocates for both sides and with their assistance, we have gone through the FIR, charge-sheet and the other documents on record.

8) It is an admitted fact that, the alleged incident had occurred during Pandemic period in morning at around 7:15 a.m. There is no doubt that, there is no loss to life or to any other property, due to the alleged driving of Petitioner and the other co-accused. Section 279 of the IPC deals with the offence of rash driving and the riding on the public way.

9) As per the provisions of Section 279 of the IPC, the requisite ingredients to constitute the said offence of rash or negligent driving on any public way, it should cause danger to human life or likely to cause hurt or injury to any person. In the present proceedings, in the charge-sheet, there

is no material whatsoever to show existence of ingredients which constitutes the alleged offence under section 279 of IPC. It is also pertinent to note that the alleged incidents have occurred during the Pandemic and on Sunday morning at around 7:15 a.m. Due to the Pandemic, very few vehicles and people were on the road. Therefore, in our view, the allegations against petitioner about rash and negligent driving to cause hurt, is unlikely to happen and there is no evidence on record to that effect. The statement of the witness does not disclose that anyone had actually seen Petitioner driving rashly and negligently. Therefore, it cannot be said that any of the requirements of Section 279 of IPC were made out against Petitioner/Accused. Except a bald statement that, the Accused was driving negligently, there is no evidence to substantiate the charge under section 279 of the IPC.

10) Section 184 of the IPC deals with driving dangerously. It is not the case of prosecution in the FIR or the charge-sheet that, Petitioner was driving the vehicle at very high speed. The only allegation is that, the car was being driven in a 'zig-zag' manner. In order to attract Section 184 of the IPC, the motor vehicle needs to be driven in a high speed or in a manner which is dangerous to the public life. We have already in the earlier paragraph dealt with the fact that, the car was driven on 14th June 2020 when there was Pandemic and on Sunday morning 7:15 a.m. when there were very few people on the road or footpath.

11) We are satisfied that, the prosecution has not made out any case against Petitioner for any of the alleged offences. Taking into account the material in the charge-sheet as it is, no case of commission of offence alleged is made out. Therefore, according to us, it would be an abuse to the process of law to continue the present proceeding against Petitioner. We find that, this is a fit case to exercise the inherent powers of this court under section 482 of the Code of Criminal Procedure. In our view, there is no material on record to attract provisions of Section 51B of the Disaster Management Act, 2005, so also, the provisions of Section 183, 185, 179 and 336 of the IPC.

12) As per the settled principles of law laid down by the Hon'ble Supreme Court in *State of Haryana v. Bhajan Lal, AIR 1992 SC 604*, an FIR can be quashed if the allegations, even if taken at their face value, do not constitute any offence. The contents of the FIR, read in entirety, fail to meet the basic ingredients of the offences alleged. Therefore, the continuation of the criminal proceedings against the petitioners will be abuse of the process of law and warrants interference by this Court under Section 482 of the Code of Criminal Procedure, 1973 and the wide powers of this Court under Article 226 of the Constitution of India.

13) As we expressed our opinion for quashing of FIR No.319 of 2020, dated 14th June 2020, registered with Marine Drive Police Station, Mumbai, learned Advocate for Petitioner, on instructions, submitted that,

the Petitioner will pay a cost of Rupees Two Lakhs to the Bar Council of Maharashtra and Goa's Advocate Academy & Research Center, within a period of two weeks from the date of uploading of Order. The said statement is accepted as an undertaking given to this Court.

14) We, therefore, direct Petitioner to pay a cost of Rupees Two Lakhs to the Bar Council of Maharashtra and Goa's Advocate Academy & Research Center, within a period of two weeks from the date of uploading of present Judgment on the official website of High Court of Bombay.

14.1) Details of the bank account of payment of cost are as under :-

Account Name	:	BCMG'S Advocate Academy & Research Center.
Account Number	:	000120110001327
Bank Name	:	Bank of India
Branch Name	:	Mumbai Main Branch
IFS Code	:	BKID0000001
Type of Account	:	Current Account

14.2) Petitioner to deposit the said cost within stipulated period as noted above and submit receipt (s) of the same in the Registry of this court.

15) In view of the above and subject to payment of cost by Petitioner within stipulated period as noted above, Petition is allowed in terms of prayer Clause (b). The Criminal Case No. PS/79/2021 arising out of FIR No. 319 of 2020 dated 14th June 2020, registered under Sections 279, 336 along with Sections 183, 185, 179 of the Indian Penal Code and Section 51B of the Disaster Management Act, 2005 with Marine Drive Police

Station, Mumbai, pending in the Court of the Additional Chief Metropolitan Magistrate, 3rd Court, at Esplanade, Mumbai, is quashed and set aside.

16) Rule is made absolute in the aforesaid terms.

17) It is made clear that, if the cost is not paid within stipulated period as mentioned above, Petition shall stand revived automatically and in that event, the Investigating Officer shall complete the investigation of the present crime expeditiously.

18) List Petition on board on 4th August 2025 under the caption "For Reporting Compliance" of present Order.

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

This Order is modified/corrected pursuant to the Speaking to Minutes of Order dated 16/1/2026.

Signed by: Diksha Rane
Designation: PS To Honourable Judge
Date: 23/01/2026 12:58:32