

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.3163 OF 2022**

Kishore Balram Nichani

.....Petitioner

Vs.

Autobahn Automotive Pvt. Ltd. & Ors.

.....Respondents

Mr. Mayur V. Faria for the Petitioner.

Ms. Shanaya Cyrus Irani & Ms. Ananya Verma i/by J. Sagar Associates
Respondent No.6.

Ms. J.S. Lohakare APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
MILIND N. JADHAV, JJ.****DATE : 17th OCTOBER, 2022.****PC:-**

1) Petitioner has a substantive alternate remedy available under the provisions of Criminal Procedure Code and without availing such remedy, Petitioner has directly approached this Court. Even otherwise, a Writ Petition under Article 226 of the Constitution of India for lodgment of FIR is not maintainable. Reliance is placed on the following decisions-

- i) All India Institute of Medical Sciences Employees' Union (Regd.) Through Its President Vs. Union of India & Ors., reported in (1996) 11 SCC 582;*
- ii) Gangadhar Janardan Mhatre Vs. State of Maharashtra & Ors., reported in 2005 SCC (Cri) 404;*

iii) *Aleque Padamsee & Ors. Vs. Union of India & Ors., reported in (2007) 6 SCC 171 (3 Judges of SC);*

iv) *Sakiri Vasu Vs. State of Uttar Pradesh & Ors., reported in (2008) 2 SCC 409 and,*

v) *Sunil Jabarchand Modi Vs. State of Maharashtra & Ors. (Cri.W.P. 317/2011 dated 8.12.2011).*

2) In view of the above, learned Advocate for the Petitioner seeks leave to withdraw present Petition with liberty to avail substantive alternate remedy available under the law.

3) Leave and liberty granted.

4) Petition is disposed off as withdrawn, with aforesaid liberty.

(MILIND N. JADHAV, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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Date: 2022.10.21
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