

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3807 OF 2022**

Deepak Kantilal Shah

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Mr.M.M. Vashi, Senior Advocate a/w. Ms.Panthi Desai i/b. M. P. Vashi
Associates for Petitioner.

Mrs.S.D. Shinde, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 9th December 2022.

PC. :

1. By the present Petition, Petitioner is seeking registration of crime on the basis of his complaint dated 7th December 2020 originally lodged with Economic Offence Wing.

2. 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 under Article 226 of the Constitution of India. 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 Science Employee's Union (Regd.) Through its President Vs. Union of India & Ors. reported in (1996) 11 SCC 582;*
- (ii) *Gangadhar Janardhan 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).*
- (vi) *Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage & Ors., reported in (2016) 6 SCC 277.*
- (vii) *M. Subramaniam & Anr. Vs. S. Janaki & Anr., reported in (2020) 16 SCC 728.*

3. In view of the above, learned counsel for the Petitioner seeks leave to withdraw present Petition with liberty to file a private complaint if so advised and as may be permissible under the provisions law.

Leave and liberty granted.

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 Petition is disposed off as withdrawn with aforesaid liberty.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]