

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 845 OF 2021**

Mohini Prashant Vitankar

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr.K.R. Tiwari a/w. Mr.Avnendra Kumar i/b.K.R. Tiwari And Co. for Petitioner.

Mr.Ajay Patil, A.PP for Respondent-State.

PSI Mr.S. Katkar, Samta Nagar Police Station is present.

**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 her alleged complaint.

2. Petitioner has a substantive alternate remedy available under the provisions of Criminal Procedure Code and without availing such a 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 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 Advocate 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 Petition is disposed off as withdrawn with aforesaid liberty.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.]