

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4415 OF 2022

Hemant Tanaji Mahale

Petitioner

versus

The State of Maharashtra and another

Respondents

Mr.Suhas Oak i/by Mr.Vijay V.Nene, Advocate for Petitioner.  
Mr.Ajay Patil, APP, for State.

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

DATE : 6<sup>th</sup> December 2022

PC :

1. By present petition, the Petitioner is seeking registration of crime on the basis of his complaint against certain persons.
2. The Petitioner has a substantive alternate remedy available under Code of Criminal Procedure and without availing such remedy, the Petitioner has directly approached this Court. Even otherwise, writ petition under Article 226 of Constitution of India for lodgement 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;*

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(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. WP. 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 Petitioner, on instructions, seeks leave to withdraw petition with liberty to adopt appropriate alternate remedy as may be advised and if permissible in law.

4. The Petition is disposed off with the aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)