

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 881 OF 2022**

Yash Chugha And Anr.

... Petitioners

**V/s.**

The State of Maharashtra

... Respondent

Mr. Amit G. Dubey i/b Mr. Ashok M. Saraogi for Petitioners.

Mrs. S. D. Shinde APP, for Respondent-State.

**CORAM : A.S. GADKARI AND  
PRAKASH D. NAIK, JJ.****DATE : 11<sup>th</sup> JANUARY, 2023.****PC. :**

1. Present Petition is under Article 226 of the Constitution of India for lodgment of crime on the basis of complaint dated 16<sup>th</sup> December, 2021 filed by the Petitioner with Kurar Police Station, Mumbai on which cognizance has not been taken by the Police Authorities.

2. It is the settled principle of law and has been reiterated by Supreme Court, in its decision in the case of *M. Subramaniam & Anr. Vs. S. Janaki & Anr.*, reported in (2020) 16 SCC 728 that, Petition under Article 226 of the Constitution of India for lodgment of crime is not maintainable.

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 Petition is disposed off as withdrawn with aforesaid liberty.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.)**