

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1849 OF 2023**

Amarnath Mehra And Sons

... Petitioner

V/s.

The Senior Police Inspector And Anr.

... Respondents

WITH**INTERIM APPLICATION NO. 3073 OF 2023**

Keval Jagdish Gala

... Applicant

In the matter between

Amarnath Mehra And Sons

... Petitioner

V/s.

The Senior Police Inspector And Anr.

... Respondents

Mr. Kamlesh R. Tiwari for Petitioner.

Mrs. M. H. Mhatre, APP for Respondent-State.

Ms. Aditi S. Naikare for Applicant in IA/3073/2023.

**CORAM : A.S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.****DATE : 25th AUGUST, 2023.****PC. :**

1. Present Petition under Article 226 of the Constitution of India is filed for lodgment of crime on the basis of complaint dated 17th August, 2022 submitted by the Petitioner with Vanrai Police Station, Goregaon (East), Mumbai, on which cognizance has not been taken by the concerned Police Authorities.

2. It is the settled position of law and as has been reiterated by

the Hon'ble Supreme Court 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 thereof, Petitioner will be at liberty to file a private complaint before the Court of Competent Jurisdiction if so advised and as may be permissible under the provisions of law.

4. By reserving the said remedy, Petition is disposed off.

INTERIM APPLICATION NO. 3073 OF 2023

1. Not on board. Taken on board.

2. In view of disposal of Petition, Interim Application No. 3073 of 2023 does not survive and is also disposed off.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)

CHAITANYA
ASHOK
JADHAV

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by CHAITANYA
ASHOK JADHAV
Date:
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