

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1052 OF 2023**

Xyz

.....Petitioner

Vs.

The Commissioner Of Mumbai & Ors.

.....Respondents

Adv. Kritika Agarwal for the Petitioner.

Ms. G.P. Mulekar APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 24th MARCH, 2023.****P.C.:-**

By the present Petition under Article 226 of the Constitution of India, the Petitioner is seeking relief of lodgment of FIR with Ghatkopar Police Station on the basis of a complaint dated 18th August, 2022 submitted to the Commissioner of Police, Mumbai.

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, learned counsel for Petitioner on instructions seeks leave to withdraw present Petition with liberty to file a private complaint, if so advised and as may be permissible under the provisions of

law.

Leave and liberty granted.

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 Petition is disposed off, as withdrawn with aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed by
SANJIV SHARNAPPA
MASHALKAR
Date: 2023.04.05
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