

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1770 OF 2023

Arvind Kisan Mhatre

....Petitioner

Vs.

The State of Maharashtra & Ors.

....Respondents

Mr. Sachin Ramrao Pawar for Petitioner.

Mr. V.B. Konde-Deshmukh, APP for Respondent No.1-State.

CORAM : A.S. GADKARI AND
SHYAM C. CHANDAK, JJ.
DATE : 29th NOVEMBER 2023.

P.C.:-

1) Present Petition under Article 226 of the Constitution of India is filed for lodgment of crime on the basis of complaints dated 9th November, 2022 and 14th November, 2022 submitted by the Petitioner with Narpoli Police Station, Bhiwandi, District Thane, on which cognizance has not been taken by the concerned Police Authorities.

2) Record indicates that by a communication dated 3rd August 2023, the concerned Police Station has informed the Petitioner that, after conducting an inquiry, it reveals that, no offence of cognizable nature is made out from it.

3) 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.

4) 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.

5) Leave and liberty granted.

6) Petition is disposed off as withdrawn with aforesaid liberty.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)