

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1147 OF 2022**

Gazi Haji Valimohammed
Petwala Charitable Trust

.....Petitioner

Vs.

The State Of Maharashtra & Ors.

.....Respondents

Mr. Jitendra S. Shukla for the Petitioner.
Mr. Ajay Patil APP, for the Respondent-State.

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

DATE : 15th FEBRUARY, 2023.

PC.:-

Present Petition under Article 226 of the Constitution of India is filed for lodgment of crime on the basis of complaint dated 19th March, 2021, submitted by the Petitioner with V. P. Road Police Station, 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. V/s. 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 Advocate 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4) Petition is disposed of as withdrawn with aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
SHARNAPPA
MASHALKAR
Date: 2023.02.20
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