



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4548 OF 2021

Ranjit Narayan Biswas

..... Petitioner

V/s.

The State of Maharashtra and Ors.

..... Respondents

Mr. Hasit Seth a/w. Mr. Nihal Shaikh and Nikhil Shirsekar i/b Mustafa Motiwala for the Petitioner.

Mr. S. S. Hulke, APP, for the Respondent-State.

CORAM : A. S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.

DATE : 30th AUGUST, 2023.

P.C.:-

1) Present Petition under Article 226 of the Constitution of India is filed for lodgment of crime on the basis of undated complaint received by Respondent No.3 on 20th August 2020 on which cognizance has not been taken by the concerned police Authorities.

2) It is 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 is at liberty to avail appropriate alternate remedy including remedy to file private complaint before the

concerned learned Magistrate having jurisdiction.

4) By reserving the alternate remedy in favour of Petitioner, Petition is disposed off.

5) All contentions of both the parties are kept open.

(SHARMILA U. DESHMUKH, J.)

(A. S. GADKARI, J.)