



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4549 OF 2021

Rajkumar Shyam Behl

..... Petitioner

V/s.

State of Maharashtra & Ors.

..... Respondents

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

Mrs. S. D. Shinde, 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) Learned counsel for the Petitioner submitted that by communication dated 15th July 2023, Respondent No.3, Police Officer, Goregaon Police Station has informed that dispute mentioned in the said complaint is of civil nature.

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, Petitioner is at liberty to avail appropriate alternate remedy including remedy to file private complaint before the concerned learned Magistrate having jurisdiction.

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

(SHARMILA U. DESHMUKH, J.)

(A. S. GADKARI, J.)