

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.721 OF 2021**

Ashok Namdev Jagzap

... Petitioner

V/s.

The State of Maharashtra And Ors.

... Respondents

Mr. R. N. Kachare for Petitioner.

Mrs. S. D. Shinde APP, for Respondent No.1-State.

Mr. Manish malpani a/w Ms. Aneri Shah for Respondent No.4.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 11th JANUARY, 2023.****PC. :**

1. Present Petition is under Article 226 of the Constitution of India for lodgment of crime on the basis of complaint dated 22nd June, 2020 lodged by the Petitioner with Ulhasnagar Police Station, District Thane, on which cognizance has not been taken by the Police Authorities.

2. It is the settled principle of law and has been reiterated by Supreme Court, in its decision 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 of the above, learned Advocate for the Petitioner seeks leave to withdraw present Petition with liberty to file a private complaint if so advised and as may be permissible under the provisions law.

Leave and liberty granted.

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 Petition is disposed off as withdrawn with aforesaid liberty.

(PRAKASH D. NAIK, J.)**(A.S. GADKARI, J.)**