

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1089 OF 2021

Zubeda Abdurrahim Shaikh and another	Petitioners
versus	
M/s.Grace Raj Reators and others	Respondents

WITH
INTERIM APPLICATION (STAMP) NO.2082 2023

Naved Abdurrahim Shaikh	Applicant
versus	
The State of Maharashtra and another	Respondents

Mr.Feroz Shaikh, Advocate for Petitioners.
Mr.S.S.Hulke, APP, for State.

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

DATE : 20th February 2023

PC :

1. Present Petition is under Article 226 of the Constitution of India for lodgment of crime on the basis of complaint dated 29th November 2018 submitted to Vinoba Bhave Police Station, Kurla (West), Mumbai, on which cognizance has not been taken by Police Authorities.

2. It is the settled position of law and as has been reiterated by the Hon'ble Supreme Court in its decision in the case of *M.Subramaniam & another Vs. S.Janaki & another* reported in

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(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 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 of law.

Leave and liberty granted.

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 Petition is disposed off as withdrawn with aforesaid liberty.

5. Interim Application (Stamp) No.2082 of 2023 is disposed off.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST