

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2363 OF 2018**

Kirsan Sarsar

...Petitioner

Versus

The State Of Maharashtra

...Respondent

Mr. Anand Mishra i/by Mr. A.M. Saraogi Advocate for Petitioner.
Mr. S. S. Hulke, APP for Respondent-State.

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

DATE : 16th MARCH, 2023.

P.C.:-

1. By the present Petition, Petitioner has prayed for registration of Crime on the basis of his complaint dated 2nd May 2018 lodged with Dindoshi Police Station, Mumbai.

2. Petitioner has a substantive alternate remedy by way of a complaint, as contemplated under the provisions of Criminal Procedure Code and without availing such an alternate remedy, the Petitioner has directly approached this Court in its jurisdiction under Article 226 of the Constitution of India.

3. It is the settled position of law and as 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.

4. In view thereof, Petition is disposed off by reserving the liberty to the Petitioner to adopt alternate remedy, if so advised and as may be permissible under the provisions of law.
5. Petition is disposed off with aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)