

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 5092 OF 2022

Samir S/o Bhagwan Shivram Airekar

...Petitioner

V/s.

Datta Gawade And Ors.

...Respondents

Mr. Deepak C. Natu a/w Ms. Gayatri Soni i/by Deepak & Co. for Petitioner.
Mrs. S.D. Shinde, A.P.P. for the Respondent-State.

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

DATE : 12th JANUARY, 2023.**PC:-**

. By way of present Petition, Petitioner seeks direction for lodgment of a crime on the basis of Complaint dated 09.05.2022 submitted by the Petitioner with the Badlapur (West) Police Station, Taluka Ambarnath, District: Thane. Record indicates that, on a complaint dated 19.03.2022 filed by the Petitioner, the concerned Police Station has informed the Petitioner that, the dispute between the Petitioner and accused persons named in the said complaint is of civil nature. 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.

2. In view thereof, learned counsel appearing for Petitioner on instructions seeks leave to withdraw present Petition with liberty to adopt appropriate alternate remedy, if permissible and available under the provisions of Cr.P.C.

Leave and liberty granted.

3. Petition is disposed of as withdrawn with aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)