



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 5042 OF 2022

Eram Mehdi Rizvi

... Petitioner

V/s.

State Of Maharashtra And Anr.

... Respondents

Mr. Ameet Dubey i/b Mr. A. M. Saraogi for Petitioner.

Mrs. S. D. Shinde, APP for Respondent-State.

CORAM : A.S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.

DATE : 14th SEPTEMBER, 2023.

PC. :

1. Present Petition under Article 226 of the Constitution of India is filed for lodgment of crime on the basis of complaint dated 21st May, 2022 submitted by the Petitioner with Mr. Chavan, Additional Commissioner of Police, Byculla, on which cognizance has not been taken by the concerned Police Authorities.

2. 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.

3. In view thereof, learned counsel for Petitioner on instructions 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 Petition is disposed of as withdrawn with aforesaid liberty.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)