

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 5196 OF 2022

Sennu W/O Utkarsh Sharma
@ Pooja D/O Bahadur Sharma

.....Petitioner

Vs.

The State Of Maharashtra

.....Respondent

Mr. Sushil Upadhyay i/by Mr. A.M. Saraogi for the Petitioner.
Mr. S.S. Hulke APP, for the Respondent-State.

CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.
DATE : 7th FEBRUARY, 2023.

P.C.:-

By the present Petition under Article 226 of the Constitution of India, the Petitioner seeks lodgment of crime on the basis of her complaint dated 19th April, 2022, on which the police Authorities have not taken cognizance.

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4) Petition is disposed off as withdrawn with aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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MASHALKAR
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