

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.47 OF 2021

Rekha Sandesh Rawale

..... Petitioner

V/s.

The State of Maharashtra & Ors.

..... Respondents

Mr. Siddharth Singh i/b Mr. Ashok M. Saraogi for the Petitioner.
Mrs. Sangeeta Shinde, APP for the Respondent-State.

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

DATE : 22nd AUGUST 2023.

P. C.:-

1) Present Petition under Article 226 of the Constitution of India is filed for lodgment of crime on the basis of complaint dated 3rd December 2020 submitted by the Petitioner with Valiv Police Station, Vasai, Dist. Palghar, 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4) Petition is disposed of as withdrawn with aforesaid liberty.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.)