



Patil-SR

2956.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2956 OF 2023

Konark Indrayu Enclave Condominium
and Another.

...Petitioners.

V/s.

The State of Maharashtra & Others.

...Respondents.

Mr. Ashutosh Srivastava , Mr Hitesh Gidwani and Mr. Sahil Rathod for
the Petitioners.

Mr. J. P. Yagnik APP for the Respondent-State.

**CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.**

DATE : 5th September, 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 18th March 2023 made by the Petitioner, on which cognizance has not been taken by the concerned police Authorities.

2. It is 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*, the petition under Article 226 of the Constitution of India for lodgment of crime is not maintainable.

3. In view thereof, the Petitioner is having alternate remedy of filing private complaint before the learned Magistrate having jurisdiction.
4. By reserving the said remedy, petition is disposed of.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)