

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1635 OF 2021**

Ashraf Sowkat Ali

.....Petitioner

Vs.

The State Of Maharashtra & Ors.

.....Respondents

Mr. S.P. Dighe for the Petitioner.

Ms. M.H. Mhatre APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.
DATE : 25th JANUARY, 2023.**

PC:-

. By the present Petition under Article 226 of the Constitution of India, the Petitioner has prayed for lodgment of crime on the basis of his Application dated 7th October 2020 filed with the Respondent No.2, on which cognizance has not been taken by the Police Authorities.

2. Petitioner has a substantive alternate remedy available under the provisions of Criminal Procedure Code and without availing such a remedy, Petitioner has directly approached this Court.

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.

3. In view of the above, learned Advocate for the 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 law.

Leave and liberty granted.

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 Petition is disposed off as withdrawn with aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)

Digitally signed
by SANJIV
SHARNAPPA
MASHALKAR
Date:
2023.01.31
11:55:04 +0530