

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2733 OF 2017**

Sachin Yashwant Mhatre

... Petitioner

V/s.

The State Of Maharashtra And Ors.

... Respondents

Ms. Yogita Deshmukh Chitnis for Petitioner.

Mrs. M. H. Mhatre APP for Respondent-State.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 21st FEBRUARY, 2023.****PC. :**

1. Present Petition under Article 226 of the Constitution of India is filed for lodgment of crime on the basis of complaints dated 11th July, 2016 with Palghar Police Station, Palghar and dated 7th July, 2017 with Superintendent of Police, Palghar submitted by Petitioner 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 Petition is disposed of as withdrawn with aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)