

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.5226 OF 2021

Devbala V. Mahajan

Petitioner

versus

The State of Maharashtra and another

Respondents

Ms.Racheeta Dhru with Mr.Nahush Shah and Yashvi Shah i/by
Nahush Shah Legal, Advocate for Petitioner.
Mr.Ajay Patil, APP, for State.

**CORAM : A.S.GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 1st March -2023

PC :

1. Present Petition under Article 226 of the Constitution of India is filed for lodgment of crime on the basis of complaint dated 25th November 2020 submitted by the Petitioner to Worli Police Station, Worli, 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 Hon'ble Supreme Court in the case of *M.Subramaniam and another Vs. S.Janaki and another*, 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 Petition is disposed off as withdrawn with aforesaid liberty.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.)

MST