

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 6147 OF 2021**

Dilip Yashwant Mayekar

...Petitioner

V/s.

The State Of Maharashtra And Anr.

...Respondents

Mr. Ridhima Mangaonkar, for Petitioner.

Mr. Ajay Patil, A.P.P. for the Respondent Nos.1 to 3 -State.

Mr. Santosh Pathak a/w Mr. Chirag Thakkar, Mr. Kailash Pathak i/by Law
Origin for Respondent Nos. 4 & 5.**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 22nd FEBRUARY 2023.****P.C.:-**

1. Present Petition is under Article 226 of the Constitution of India for lodgment of crime on the basis of complaint dated 01.11.2020 lodged by the Petitioner with The Commissioner of Police, Mumbai; Nirmal Nagar Police Station, Bandra (East), Mumbai and Dindoshi Police Station, Malad (East), Mumbai, on which cognizance has not been taken by the Police Authorities.

2. Record indicates that, Dindoshi Police Station, Mumbai by its communication dated 29.12.2020 informed the Petitioner that, his complaint is of civil nature and he may approach the Cooperative Court, Mumbai for redressal of his grievance mentioned in his complaint.

3. It is the settled principle of law and as has been reiterated by the Hon'ble 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.

4. In view of the above, learned Advocate for the Petitioner 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.

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 Petition is disposed off as withdrawn with aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)