

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4741 OF 2022**

Adv. Shivchand Rambahadur Mishra

... Petitioner

V/s.

Director General Of Police & Ors.

... Respondents

Mr. Vijay Kurle i/b. Mr. Abhishek Mishra for Petitioner.

Ms. S.D. Shinde, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 1st February 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 24th June 2022 submitted by the Petitioner with Badlapur (West) Police Station, Kulgaon-Badlapur, District Thane, on which cognizance has not been taken by the 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 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 Petition is disposed of as withdrawn with aforesaid liberty.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.]

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