

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3975 OF 2021**

Alexander Bergmann

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Ms.Sushila Ramvarma, Senior Advocate a/w. Ms.Harini Daliparthi & Mr.Arjav Jain i/b. Utangale And Co. for Petitioner through V.C..
Mr.Ajay Patil, A.P.P. for Respondent-State.
Mr.Subodh Desai a/w. Mr.Vyapak Desai & Mr.Adimesh Lochan i/b. Nishith Desai Associates for Respondent No.4.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 1st December 2023.

P.C. :

1) By the present Petition under Article 226 of the Constitution of India the Petitioner has prayed for lodgment of a crime on the basis of his complaint dated 25th February 2021 submitted to the Sakinaka Police Station, Mumbai, 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4) Petition is disposed of as withdrawn with aforesaid liberty.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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