



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3038 OF 2023

Shankar Keshav Satpati

... Petitioner

V/s.

Mumbai Police Commissioner & Ors.

... Respondents

Mr.Shankar Keshav Satpati, Petitioner in-person is present.

Mr.S.S. Hulke, A.P.P. for Respondent-State.

CORAM : A. S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.

DATE : 12th September 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 15th January 2020 submitted by the Petitioner with Senior Inspector of Police, Charkop Police Station, Kandivali West, 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, as may be permissible under the provisions of law.

Leave and liberty granted.

4) Petition is disposed of as withdrawn with aforesaid liberty.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)