

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3921 OF 2023**

Rajendra Maruti Kamble

... Petitioner

V/s.

Sr. Inspector Police & Anr.

... Respondents

Mr. Prosper D'souza for Petitioner.

Mr. Y.M. Nakhwa, A.P.P. for Respondent No.1-State.

Mr. Rajendra Maruti Kamble, Petitioner is present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 19th December 2023.****P.C. :**

- 1) Heard Mr.D'souza, learned Advocate for the Petitioner. We have also interacted with the Petitioner, who is present in the Court.
- 2) Present Petition under Article 226 of the Constitution of India is filed for lodgment of crime on the basis of complaint dated 12th April 2023 (page 20 to Petition) submitted by the Petitioner with Deputy Commissioner of Police, Zone-I, Mumbai, on which cognizance has not been taken by the concerned Police Authority.
- 3) 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.

4) In view thereof, we permit the Petitioner to file a private complaint before the learned Magistrate having jurisdiction, on the basis of his complaint submitted to the Deputy Commissioner of Police, Zone-I, Mumbai, if so advised and as may be permissible under the provisions of law.

5) By reserving the said alternate remedy in favour of Petitioner, Petition is disposed off.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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