

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.4988 OF 2022

Prashant Arjun Ghadi and another	Petitioners
versus	
The State of Maharashtra and others	Respondents

Ms.Kalyani Bane i/by Ms.Ashwini Pawar, Advocate for Petitioners.

Mr.Ajay Patil, APP, for State.

**CORAM : A.S.GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 20th February 2023

PC :

1. Present Petition is under Article 226 of the Constitution of India for lodgment of crime on the basis of complaint dated 1st October 2021 submitted to Kala Chowki Police Station, Mumbai, on which cognizance has not been taken by Police Authorities.

2. It is the settled position of law and as has been reiterated by the Hon'ble Supreme Court in its decision in the case of *M.Subramaniam & another Vs. S.Janaki & another* 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 of the above, learned Advocate for the Petitioner seeks leave to withdraw present Petition with liberty to file a private

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complaint if so advised and as may be permissible under the provisions of law.

Leave and liberty granted.

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 Petition is disposed off as withdrawn with aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST