

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3356 OF 2023**

Sumit Subhash Sathe

.....Petitioner

Vs.

The State Of Maharashtra & Ors.

.....Respondents

Mr. Vinod P Sangvikar for the Petitioner.

Mr. Ajay Patil APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.****DATE : 10th OCTOBER, 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 13th July 2023 submitted by the Petitioner with Police Commissioner, Thane, on which cognizance has not been taken by the concerned Police Authority.

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4) Petition is disposed of as withdrawn with aforesaid liberty.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

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
SHARNAPPA
MASHALKAR
Date: 2023.10.16
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