

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 6368 OF 2021**

Paul Jerome Rodrigues

... Petitioner

V/s.

The State Of Maharashtra And Ors.

... Respondents

Mr. Jessy Payne i/b Payne And Associates for Petitioner.

Mr. S. S. Hulke APP, for Respondent-State.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 10th FEBRUARY, 2023.****PC. :**

1. Present Petition under Article 226 of the Constitution of India is filed for lodgment of crime on the basis of complaint dated 15th April, 2021 submitted by Petitioner before the Koparkhairne Police Station, Mumbai on which the 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 Petition is disposed off as withdrawn with aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)