

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3236 OF 2023**

Sabir Kasimali Rashid

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Mr.Subodh Desai a/w. Mr.Rohan Sonawane, Mr.Krishnan Iyer & Mr.Rahul Pillai for Petitioner.

Ms.Mahalakshmi Ganpathy, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 13th December 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 14th December 2022 submitted by the Petitioner with Worli Police Station, District 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, if so advised and as may be permissible under the provisions of law.

Leave and liberty granted.

4) Petition is disposed of as withdrawn with aforesaid liberty.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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