

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL PETITION NO.6271 OF 2021

Kanchan Keshav Pal

....Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Rakesh R. Singh for Petitioner.

Mrs. Geeta P Mulekar, APP for Respondent-State.

CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.DATE : 22nd JUNE, 2023.

PC. :

1. Present Petition under Article 226 of the Constitution of India is filed for lodgment of crime in pursuance of Complaint dated 3rd November 2021 submitted by the Petitioner to Mahatama Phule Chowk Police Station, Kalyan East, District 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 enumerated by the Hon'ble Supreme Court in the case of *M.Subramaniam and Anr. Vs. S. Janaki and Anr. reported in (2020) 16 SCC 726* 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 contemplated under the provisions of Criminal Procedure Code before the learned Magistrate.

Leave and Liberty granted.

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 Petition is disposed off as withdrawn with aforesaid liberty.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)