

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3560 OF 2023**

Mumbai Telugu Seva Sangham

Through Baburao Gangaram Sulam

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Viral Rathod i/b. Mr. Vishwatej Jadhav for Petitioner.

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

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

DATE : 8th November 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 21st April 2023 submitted by the Petitioner with Wadala Truck Terminus Police Station, Wadala, Mumbai, 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 counsel for Petitioner on instructions seeks leave to withdraw present Petition with liberty to file a private complaint before the learned Magistrate, 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4) Petition is disposed of as withdrawn with aforesaid liberty.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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