

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4539 OF 2022**

Mita Dhiraj Isharani

.....Petitioner

Vs.

The State Of Maharashtra &amp; Ors.

.....Respondents

Mr. Sachin R. Pawar for the Petitioner.

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

**CORAM : A. S. GADKARI AND  
PRAKASH D. NAIK, JJ.  
DATE : 25<sup>th</sup> JANUARY, 2023.**

**P.C.:-**

1. Present Petition is under Article 226 of the Constitution of India for lodgment of crime on the basis of complaint dated 29<sup>th</sup> September 2022 filed by the Petitioner with Matunga Police Station, Mumbai, on which cognizance has not been taken by the Police Authorities.

2. It is the settled principle of law and as has been reiterated by Supreme Court, in its decision 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 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 Petition is disposed off as withdrawn with aforesaid liberty.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.)

SANJIV  
SHARNAPPA  
MASHALKAR

Digitally signed  
by SANJIV  
SHARNAPPA  
MASHALKAR  
Date:  
2023.01.31  
18:14:40 +0530