

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3498 OF 2023**

Suraj Lal

.....Petitioner

Vs.

The Commissioner Of Police & Ors.

.....Respondents

Mr. S. R. Gaud for the Petitioner.

Ms. Mahalaxmi Ganpathy APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.
DATE : 19th OCTOBER, 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 18th September, 2023, submitted by the Petitioner with the Commissioner of Police, Navi 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, the learned Advocate for the Petitioner on instructions seeks leave to withdraw present Petition with liberty to adopt appropriate remedy under Section 156(3) of Cr.P.C. before the concerned Magistrate having jurisdiction.

Leave and liberty granted.

4) Petition is disposed of as withdrawn with aforesaid liberty.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
SHARNAPPA
MASHALKAR
Date: 2023.10.25
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