

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 6757 OF 2021**

Anandi Ramchandran

.....Petitioner

Vs.

The State Of Maharashtra &amp; Ors.

.....Respondents

Mr. Akshay S. Malviya a/w. Mr.Kailash N. Baug for the Petitioner.

Ms. S.D. Shinde APP for the Respondent-State.

Mr. Raju M. Yamgar a/w. Mr. Rajesh D. Kakad &amp; Mr. Nikhil R. Devkar for Respondent No.6.

Mr. Vivek Kantawala a/w. Mr. Amey Patil &amp; Mr.Jash B. Vyas i/b. Vivek Kantawala &amp; Co. for Respondent No.7.

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

. Petitioner is having a substantive alternate remedy at his disposal for his grievance and without availing the same, he has directly approached this Court under Article 226 of the Constitution of India.

2. It is the settled position of law and as has been decided in a catena of decisions by Hon'ble Supreme Court, ordinarily the Court will not entertain a Petition under Article 226/227 of the Constitution of India, where the Petitioner has an alternative remedy, which without being unduly onerous, provides an equally efficacious remedy. Though no hurdle can be put against the exercise of the constitutional powers of the High Court, it is

a well-recognized principle which gained judicial recognition that, the High Court should direct the party to avail himself of such remedies one or the other before it resorts to a constitutional remedy. Reliance is placed on the following decisions:-

(i) *Thansingh Nathmal Vs. The Superintendent of Taxes, Dhubri & Ors. Reported in AIR 1964 SC 1419;*

(ii) *Genpact India Private Limited Vs. Deputy Commissioner of Income-Tax & Anr. reported in (2019) 419 ITR 440 (SC) and*

(iii) *Virudhunagar Hindu Nadargal Dharma Paribalana Sabai & Ors. Vs. Tuticorin Educational Society & Ors. reported in (2019) 9 SCC 538.*

3. In view thereof, learned Advocate for the Petitioner seeks leave to withdraw present Petition with liberty to adopt appropriate alternate remedy as may be available under the law.

Leave and liberty granted.

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 Petition is disposed off as withdrawn with aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)