

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3824 OF 2023**

Murlidhar Mahadu Pichad & Ors.

... Petitioners

V/s.

The State of Maharashtra And Anr.

... Respondents

Mr. Kalyan P. Shah for Petitioners.

Ms. Mahalakshmi Ganpathy, APP for Respondent No.1-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 12th DECEMBER, 2023****P.C. :**

1. Present Petition under Article 226 of the Constitution of India is filed for registration of crime on the basis of complaint dated 6th October, 2023 submitted to Narpoli Police Station, Bhiwandi, District. Thane, on which cognizance has not been taken by the concerned Police Authorities.

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 Petition is disposed of as withdrawn with aforesaid liberty.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

RAJESH
VASANT
CHITTEWAN

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RAJESH VASANT
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Date: 2023.12.20
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