

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 136 OF 2023**

Vinay Patil

.....Petitioner

Vs.

Umashankar Ranchodlal Paliwal & Ors.

.....Respondents

Mr. Sanjeev Kadam a/w Mr. Kishor Patil a/w Mr. Amol Mhatre a/w Mr. Sameer Mhatre for the Petitioner.

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

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 9th JANUARY, 2023.

P.C.:-

1. Present Petition is filed for lodgment of crime on the basis of Application filed by the Petitioner dated 5th August, 2022.
2. Petitioner has a substantive alternate remedy available under the provisions of Criminal Procedure Code and without availing such a remedy, Petitioner has directly approached this Court. It is the settled principle of law and 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 counsel for the 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 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 Petition is disposed off as withdrawn with aforesaid liberty.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

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by SANJIV
SHARNAPPA
MASHALKAR
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