



Patil-SR

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 5988 OF 2019

WITH

INTERIM APPLICATION NO. 634 OF 2022

Dharmendra Nagendrapati Tripathi

...Petitioner.

V/s.

The State of Maharashtra & Others.

...Respondents.

Mr. Pradeep M. Havnur for the Petitioner.

Ms. M.H. Mhatre APP for the Respondent-State.

**CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.**

DATE : September 5, 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 November 2019 submitted by the Petitioner with Pant Nagar Police Station, Ghatkopar (East), Mumbai 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*, the petition under Article

226 of the Constitution of India for lodgment of crime is not maintainable.

3. In view thereof, the Petitioner is having remedy of filing a private complaint, if so advised and as may be permissible under the provisions of law.

4. By reserving the said remedy, petition is disposed off.

5. In view of the disposal of Writ Petition, Interim Application No. 634 of 2022 does not survive and is also disposed off.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)