

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.216 OF 2023

Pandharinath Jagan Phadke	Petitioner
versus	
The State of Maharashtra and others	Respondents

Mr.Nitin Sejpal, Advocate for Petitioner.

Mrs.S.D.Shinde, APP, for State.

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

DATE : 16th January 2023

PC :

1. By the present Writ Petition, the Petitioner is seeking registration of crime on the basis of his complaint against certain persons.

2. Petitioner has substantive alternate remedy available under the provisions of Code of Criminal Procedure and without availing such a remedy, Petitioner has directly approached this Court. It is the settled principle of law and as has been reiterated by Hon'ble Supreme Court, in its decision in the case of *M.Subramaniam and another Vs. S.Janaki and another*, 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 of the above, learned Advocate for the Petitioner 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 Petition is disposed off as withdrawn with aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST