



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 796 OF 2023

Devidas Bama Patil

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Prabhakar Pandey for Petitioner.

Mr. J.P. Yagnik, A.P.P. for Respondent-State.

CORAM : A. S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.

DATE : 21st August 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 24th March 2021 submitted by the Petitioner with Taloja Police Station, District Raigad, 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 Petition is disposed of as withdrawn with aforesaid liberty.

[SHARMILA U. DESHMUKH, J.]

[A.S. GADKARI, J.]