

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 5128 OF 2018**

Mamta W/o. Sanjay Kirtaniya

... Petitioner

V/s.

The State Of Maharashtra

... Respondent

Mr. Anand Mishra i/b Mr. Ashok M. Saraogi for Petitioner.

Mrs. G. P. Mulekar, APP for Respondent-State.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 30th MARCH, 2023.****PC. :**

1. Present Petition under Article 226 of the Constitution of India is filed for lodgment of crime on the basis of complaint dated 10th September, 2018 submitted by the Petitioner with Kurar Police Station, 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 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 Petition is disposed off as withdrawn with aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)