



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 809 OF 2023

Chittaranjan Sunder Shetty

... Petitioner

V/s.

Commissioner Of Police & Ors.

... Respondents

Mr.Vilas Jadhav h/f. Mr. Akhilesh Singh for Petitioner.
Mr.S.S. Hulke, A.P.P. for Respondent-State.

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

DATE : 12th September 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 9th July 2019 submitted by the Petitioner to Senior Inspector of Police, Samta Nagar Police Station, Kandivali (E.), 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4) Petition is disposed of as withdrawn with aforesaid liberty.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)