

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3900 OF 2023

Jatin Kantilal Surana

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Dr. Abhinav Chandrachud i/b. Dileep Satale, for the Petitioner.
Mr. Ajay Patil, APP for the Respondent-State.

CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.

DATE : 18th DECEMBER, 2023.

P.C.:-

1) By the present Petition filed under Article 226 of Constitution of India, the Petitioner has prayed for lodgment of crime, on the basis of his representation dated 25th April, 2017, addressed to the Cosmos Co-operative Bank and others, a copy of which was forwarded to the Police Inspector, E.O.W. Pune, on which the concerned Police Authority has not taken cognizance.

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, the Petition under Article 226 of the Constitution of India for lodgment of crime is not maintainable.

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3) In view thereof, learned counsel for Petitioner on instructions seeks leave to withdraw present Petition with liberty to file a private complaint, before the learned Magistrate, having jurisdiction over Lashkar Police Station, Pune as may be permissible under the provisions of law.

Leave and liberty granted.

4) Petition is disposed off as withdrawn with aforesaid liberty.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)