

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1360 OF 2024**

Mr. Ashwin Naik & Anr.

.....Petitioners

Vs.

The State of Maharashtra & Ors.

.....Respondents

Mr. Mahesh R. Joshi a/w Mr. Prashant Muley for the Petitioners.

Mr. Anand S. Shalgaonkar, A.P.P. for the Respondent-State.

Mr. Aditya Ajgaonkar a/w Mr. Pulkit Tyagi & Rupal Shrimal i/b Mr. Biswajeet Mukherjee for Respondent Nos. 2 to 12.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.****DATE : 23rd JULY 2024****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 4th January 2023 filed by the Petitioners with the Senior Inspector of Police, Amboli Police Station, Jogeshwari (West), Mumbai, on which cognizance has not been taken by the concerned Police Authority.

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 & Another Vs. S. Janaki & 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 thereof, learned counsel for the Petitioners 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.

3.1) Leave and liberty granted.

4) Petition is disposed off as withdrawn with aforesaid liberty.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)

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KRISHNA
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