

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 5752 OF 2025**

Umesh Shantilal Daftary & Anr

... Petitioners

V/s.

The State of Maharashtra & Ors

... Respondents

Mr. Mandaar Goswami a/w Mr.Siddhant Choudhari for Petitioners.
Mr. Vinod Chate, A.P.P. for Respondent No.1-State.
Mr. Yogendra Rajgor i/b Legal Chartered for Respondent No.2.
Mr. Vikrantsingh K. Patil, A.P.I. attached to L.T. Marg, Police Station.

**CORAM : A. S. GADKARI AND
 RANJITSINHA RAJA BHONSALE, JJ.**
DATE : 11th NOVEMBER, 2025

P.C. :

1) By this Petition under Article 226 of the Constitution of India, Petitioners are seeking lodgment of crime on the basis of their complaint dated 4th September, 2024, submitted by the Petitioners with L.T. Marg Police Station, Mumbai, of which cognizance has not been taken by the concerned Police Authorities.

2) It is by now 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*, Petition under Article 226 of the Constitution of India for lodgment of crime is not maintainable,

however the Petitioners are having remedy of filing private complaint before the jurisdictional Magistrate.

3) Record indicates that, the Petitioners had also filed a complaint with similar allegations with Gandhigram-2 (Uni.) Police Station Rajkot City. That, on 10th November, 2025 Mr.V.D. Zala, A.S.I. attached to Gandhigram-2 (Uni.), Police Station Rajkot City, has informed the Petitioners that, after conducting the enquiry into the complaint, no criminal offence relating to said Bank is made out and his Application is filed on record.

4) It therefore appears to us that, the Petitioners are approaching various forums for the same cause of action, which is not permissible.

5) In view thereof, by reserving the remedy in favour of the Petitioners to lodge a private complaint before the concerned Court having territorial jurisdiction over Gandhigram-2 (Uni.) Police Station Rajkot City, Petition is disposed off.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)