

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 1848 OF 2025**

Abdul Munaf Shaikh

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Abhishek Kulkarni a/w Mr. Sagar Wakale for Petitioner.
Mr. Vinod Chate, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.**
DATE : 17th December 2025

P.C. :

1) This Petition under Article 226 of the Constitution of India, is for lodgment of crime on the basis of complaints dated 5th February 2024 and 12th December 2024 submitted by the Petitioner with the Senior Inspector of Police, Malvani Police Station, Mumbai, of 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, however the Petitioner is having remedy of filing a private complaint before the

jurisdictional Magistrate.

3) In view thereof, learned Advocate for the Petitioner, on instructions seeks leave to withdraw Petition with liberty to file a private complaint before the jurisdictional Magistrate, on the basis of his complaints dated 5th February 2024 and 12th December 2024.

3.1) Leave and liberty granted.

4) As far as the grievance against the concerned Police Officer then attached to Malvani Police Station, Mumbai, is concerned, learned Advocate for Petitioner submitted that, he will adopt appropriate proceedings by way of filing complaint before the Maharashtra State Police Complaint Authority. The said statement is accepted.

5) Petition is allowed to be withdrawn with aforesaid liberty.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)