

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO.3166 OF 2025**

Ashwin Bhanurai Ashara

... Petitioner

V/s.

The State of Maharashtra & Ors

... Respondents

Mr. Piyush A. Singh a/w Mr. K.A. Singh for the Petitioner.

Mr. Amit A. Palkar, A.P.P. for Respondent No.1-State.

Mr. Naushad Engineer, senior counsel a/w Mr. Sangram Parab, Mr. Vasim Shaikh, Ms.Prachi Badani i/b M/s. Pravin Mehta and Mithi & Co., for the Respondent No.6.

Mr. Amanjhot Anand a/w Mr. Deepak Patel for the Respondent No.7.

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

1) This Petition under Article 226 of the Constitution of India is filed for lodgment of crime on the basis of complaint dated 7th April, 2025 submitted by the Petitioner of which cognizance has not been taken by the concerned Police Authorities.

2) It is the settled position of law 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*, the Petition under Article 226 of the Constitution of India for lodgment of crime is not maintainable as the

Petitioner having substantive alternative remedy under the statute.

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 for the offences as alleged in his complaint dated 7th April, 2025.

3.1) Leave and liberty granted.

4) Disposed off as withdrawn with aforesaid liberty.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)