

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4846 OF 2025

Nisha D/o Late Ramesh Premchand Shah @ Nisha W/o ... Petitioner
Manoj Shah

Vs.

The State of Maharashtra

... Respondent

Mr. Sushil Upadhyay i/b Mr. Ashok Saraogi for the Petitioner.
Mr. Amit A. Palkar, APP for the Respondent-State.

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**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE , JJ.**
DATED : 3rd NOVEMBER, 2025.

P. C. :-

1) Present Petition under Article 226 of the Constitution of India is filed for lodgment of crime on the basis of letters issued by the Advocate for the Petitioner dated 27th February 2022; 15th July 2025 and 17th July 2025 of 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 and another v. S. Janaki and another* reported in (2020) 16 SCC 728 that, for registration of the FIR and investigation into the matter by the police, Writ Petition under

Article 226 of Constitution of India is not maintainable.

3) In view thereof, learned counsel for the Petitioner on instructions seeks leave to withdraw Petition with liberty to file a private complaint under section 175(2) of BNNS, if so advised and as may be permissible in law, before the learned Magistrate.

3.1) Leave and liberty granted.

4) Disposed off as withdrawn, with aforesaid liberty.

(RANJITSINHA RAJA BHONSALE, J.)

(A. S. GADKARI, J.)