

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 4848 OF 2025**

Raju Rupsing Rathod & Ors

... Petitioners

V/s.

The State of Maharashtra & Ors

... Respondents

Mr. P.R. Rathod for Petitioners.

Mr. Ashish I. Satpute, A.P.P. for Respondent No.1-State.

Mr. Abhijit Y. Rajput, H.C. attached to Badlapur (E) Police Station, Thane.

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

1) This Petition under Article 226 of the Constitution of India, is for lodgment of crime on the basis of complaint dated 5th May, 2025, submitted by the Petitioners with Badlapur (E) Police Station, District Thane, of which cognizance has not been taken by the concerned Police Authorities.

2) Record indicates that, the complaint dated 5th May, 2025 was inquired into by the concerned police officer and he reached to the conclusion that, the dispute *inter se* between Petitioners and prospective accused persons is of civil nature. The said fact was communicated to the Petitioners by a communication dated 22nd May, 2025.

3) 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*, that, Petition under Article 226 of the Constitution of India for lodgment of crime is not maintainable, however the Petitioners are having remedy of filing a private complaint before the jurisdictional Magistrate.

4) In view thereof, learned Advocate for the Petitioners, on instructions seeks leave to withdraw Petition with liberty to file a private complaint on the basis of their complaint dated 5th May, 2025, before the jurisdictional Magistrate.

4.1) Leave and liberty granted.

5) Disposed off as withdrawn with aforesaid liberty.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)