

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.5301 OF 2025

Abdul Razzak Khan	...	Petitioner.
V/s.		
The State of Maharashtra and others.	...	Respondents.

Mr.M.S.Adenwala for the Petitioner.
Mr.Vinod Chate, A.P.P. for the Respondent- State.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.
DATE : 25th NOVEMBER 2025.**

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PC:-

- 1) By this Petition under Article 226 of the Constitution of India, the Petitioner is seeking lodgment of crime on the basis of his complaint dated 23rd May 2022 submitted to the Commissioner of Police, Mumbai of which cognizance is not taken by the concerned 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 the 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 complaint dated 23rd May 2022.

3.1) Leave and liberty granted.

4) Disposed off as withdrawn, with aforesaid liberty.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)