

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

WRIT PETITION NO. 5513 OF 2025

Binod Sitaram Agarwal.	...	Petitioner.
V/s.		
The Police Commissioner and others.	...	Respondents.

Mr.Pradeep Havnur for the Petitioner.
Mr.Vinod Chate, A.P.P for the Respondent- State.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.**
DATE : 9th DECEMBER 2025.

PC.:-

1) This Petition under Article 226 of the Constitution of India, is for lodgment of crime on the basis of complaint dated 1st April 2025 submitted by the Petitioner with the concerned police station, of which cognizance has not been taken by the concerned 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 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.

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3) In view thereof, learned Advocate for the Petitioner seeks leave to withdraw Petition with liberty to file private complaint before the jurisdictional Magistrate, on the basis of his complaint dated 1st April 2025.

3.1) Leave and liberty granted.

4) Disposed off as withdrawn, with aforesaid liberty.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)