

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 5656 OF 2025**

Tarun Ratansingh Rathi

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Mr. A.M. Saraogi for the Petitioner.

Mr. Ajay S. Patil, A.P.P. for Respondent-State.

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

P.C. :

1) Present Petition under Article 226 of the Constitution of India, is for lodgment of crime on the basis of complaints dated 27th February, 2025 and 17th June 2025, submitted by the Petitioner with Versova Police Station, Mumbai. It is the contention of Petitioner that, the concerned Police Authorities have not taken cognizance of it.

2) The complaints filed by the Petitioner has been considered and taken cognizance of by the concerned Police Station and by its communication dated 13th May, 2025, the Police Inspector attached to Versova Police Station, Mumbai, has intimated the Petitioner that, the said complaint discloses that, it is of civil in nature.

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*, 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.

4) In view thereof, Mr. Saraogi, learned Advocate appearing for the Petitioner seeks leave to withdraw Petition with liberty to file a private complaint before the jurisdictional Magistrate, on the basis of his complaints dated 27th February 2025 and 17th June 2025.

4.1) Leave and liberty granted.

5) Disposed off as withdrawn with aforesaid liberty.

6) It is needless to mention that, present Petition is disposed off only on the ground of availability of alternate remedy and the learned Magistrate may consider the complaint of the Petitioner on its own merits, as per the provisions of law.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)