

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 5665 OF 2025**

Prakash Shetty

... Petitioner

V/s.

The State of Maharashtra & Ors

... Respondents

Mr. Prakash Dhopatkar a/w Ms. Vithika S. Vhatkar i/b Santosh Vhatkar & Associates for the Petitioner.

Mr. Ajay S. Patil, A.P.P. for Respondent No.1-State.

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 14th October, 2025, submitted by the Petitioner with Bandra Police Station, BKC, Mumbai, of which cognizance has not been taken by the concerned Police Authorities.

2) 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.

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 14th October, 2025.

3.1) Leave and liberty granted.

4) Disposed off as withdrawn with aforesaid liberty.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)