

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 5805 OF 2025**

Bharti Sakharam Dambale Alias

Bharti Namdev Kamble

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Tohid Shaikh for Petitioner.

Mr. Amit A. Palkar, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.**
DATE : 13th 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 11th February 2025, 25th April 2025 and 22nd September 2025, submitted by the Petitioner with Lonikand Police Station, Pune City, Pune. It is the contention of Petitioner that, the concerned Police Authorities have not taken cognizance of it.

2) Record indicates that, in the said complaints of Petitioner a preliminary inquiry was conducted by the concerned Police Officer attached to the Lonikand Police Station, Pune City and he reached to the conclusion that, for the land in question, the Respondent No.7 has already filed a Special Civil Suit No. 581 of 2019 in the Civil Court at Pune and therefore

the grievance of the Petitioner is of civil nature. It is intimated to the Petitioner by a communication dated 30th September 2025 that, her Application is filed on record.

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 Petitioner is having remedy of filing a private complaint before the jurisdictional Magistrate.

4) In view thereof, by reserving the remedy in favour of the Petitioner to lodge a private complaint before the jurisdictional Magistrate, on the basis of her complaints dated 11th February 2025, 25th April 2025 and 22nd September 2025, Petition is disposed off.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)