

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO.6159 OF 2021**

Kiran Yadav

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

**WITH
INTERIM APPLICATION NO.399 OF 2026
WITH
INTERIM APPLICATION NO.1768 OF 2024
IN
WRIT PETITION NO.6159 OF 2021**

Mr. Nilesh Ojha a/w Mr. Abhishek Mishra, Ms. Anushka Sonawane, Mr. Devkrishna Bhambri, Mr. Shivam Gupta and Mr. Tanveer Nizam for the Petitioner.

Smt. P.P. Shinde, APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 22nd April 2026

P.C.:-

1) By this Petition under Article 226 of the Constitution of India, the Petitioner is seeking a direction for lodgment of crime on the basis of complaint dated 25th October, 2021 of which cognizance has not been taken by the concerned Police Authorities.

2) It is the settled position of law and 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.

3) In view thereof, Mr. Ojha, learned Advocate appearing for the Petitioner on instructions seeks leave to withdraw the Petition with liberty to file a private complaint before the jurisdictional Magistrate on the basis of his complaint dated 25th October 2021,, as may be permissible in law.

3.1) Leave and liberty granted.

4) Disposed off as withdrawn with aforesaid liberty.

5) In view of the disposal of the Petition, Interim Application Nos.399 of 2026 and 1768 of 2024 do not survive and the same are disposed off.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)