



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL WRIT PETITION NO.101/2026

Mrs.Maria w/o Cyrus Chang

..VS..

The State of Mah., thr.PSO, Gittikhadan Police Station, Nagpur and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri N.A.Lalwani, Counsel for the Petitioner.

**Shri D.V.Chauhan, Public Prosecutor (Senior Counsel) assisted by Shri
A.B.Badar, Addl.PP for the State.**

**Shri Anand Jaiswal, Senior Counsel assisted by Mrs.Radhika Bajaj,
Advocate for R-4.**

CORAM : URMILA JOSHI-PHALKE & NIVEDITA P MEHTA, JJ.

DATE : 16/04/2026

1. We have heard learned counsel appearing for the
respective parties.

2. We have also considered the decision of the
Hon'ble Apex Court in the case of **Roshina T. vs. Abdul Azeez
K.T. and ors, reported in (2019)2 SCC 329** wherein it is
specifically held that, *"it has been consistently held by this
Court that a regular suit is the appropriate remedy for
settlement of the disputes relating to property right between
the private persons. The remedy under Article 226 of the
Constitution of India shall not be available except where
violation of some statutory duty on the part of statutory
authority is alleged. In such cases, the Court has jurisdiction
to issue appropriate directions to the authority concerned. It
is held that the High Court cannot allow its constitutional
jurisdiction to be used for deciding disputes, for which*

remedies under the general law, civil or criminal are available.”

3. In view of that, we have expressed that the writ petition is not maintainable and we have shown our disinclination to entertain the petition.

4. As such, learned counsel for the petitioner, on instructions, seeks leave to withdraw the writ petition with liberty to file an appropriate proceeding.

5. The criminal writ petition is **disposed of as withdrawn with liberty as prayed for.**

JUDGE

JUDGE

!! BrWankhede !!