

In The High Court at Calcutta
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 21468 OF 2026

JAI NEWTON LUTHER
VS.
STATE OF WEST BENGAL AND OTHERS
.....

Mr. Nonigopal Chakraborty, Adv. (*Via VC*)
...For Petitioner

Mr. Sukanta Ghosh, Adv.
Mr. Arghya Chatterjee, Adv.
...For State

1. Matter is heard in presence of learned advocates representing petitioner and State respondents. Learned advocate for petitioner represents on virtual mode.
2. A case is made out in this writ petition that in spite of lodging a complaint dated 30th June, 2026 no steps have been taken by the concerned police authority which prompted the petitioner to approach this Court with the present writ petition.
3. Learned advocate representing State respondents has filed a communication dated 31st August, 2026 of Inspector-in-Charge, Kharagpur Town Police Station and same is taken on record.
4. It is disclosed in the communication that one non-cognizable report under Section 126 BNSS being Kharagpur Town Police Station NCR no.1461 dated 29th August, 2026 was submitted.
5. If petitioner finds that his complaint is not transformed into FIR, in that event, there is an alternative remedy available to the petitioner under Section 175(3) of BNSS. Writ court is not the appropriate forum to decide whether it is a fit case for

registration of FIR or not taking note of complaint dated 30th June, 2026.

6. In this regard, reliance is placed on judgment of the Hon'ble Supreme Court reported in ***(2007) 6 SCC 171 (Aleque Padamsee and others vs. Union of India and others)***.
7. Due to availability of alternative remedy, present writ petition is not entertained and same stands dismissed.
8. However, this order shall not preclude petitioner to approach jurisdictional Magistrate in pursuit of remedy.
9. Parties to act on the server copy of this order duly downloaded from the official website of this court.

(SAUGATA BHATTACHARYYA, J.)