

D/L 22
30.07.2025
Bpg.
ct.no.35

W.P.A.16118 of 2025

**Sujata De
Versus
The State of West Bengal & Ors.**

Ms. Priyanka Yadav
Mr. Asis Bhattacharyya.
...for the petitioner.

Mr. Tapas Kr. Adhikari
Mr. Parikshit Goswami.
...for the State-respondents.
Mr. Sourav Mondal.
...for the respondent nos.4 to 8.
Mr. Soumya Basu Ray Chowdhuri.
...for the respondent no.9.

Affidavit-of-service filed by the petitioner be
kept with the record.

Learned advocate for the petitioner is
aggrieved by the inaction of the police authorities as
in spite of informing the police authorities, no steps
have been taken.

Learned advocate for the private respondents
submits that the petitioner was a defaulter and has
resorted to law for compelling the respondents to
waive the amount of money which she has taken.
Petitioner has also approached the jurisdictional
Magistrate.

State has submitted a report which reflects that Misc. petition no.157 of 2025 has been filed before the learned CJM, Howrah. A preliminary enquiry has been directed on the application under Section 175(3) of the BNSS, 2023 filed at the behest of the petitioner.

Since the learned CJM, Howrah is in seisin of the issue, I am of the view that the petitioner has already approached for the statutory remedies, as such, invoking the powers under Article 226 of the Constitution under such circumstances is unwarranted. Learned Magistrate is in seisin of the issue and would take the lis pending before him to his logical conclusion as he deems fit and proper.

With the aforesaid observations, WPA 16118 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)