

ML-92

01.09.2025
Court No.26
(AD)

MAT 1189 of 2025
With
IA No.: CAN 1 of 2025

Sk. Arbaj
Vs.
The State of West Bengal & Ors.

Mr. Debabraa Ray, Advocate
Mr. Haridas Das, Advocate
Ms. Anjana Mehabub, Advocate
... for the appellant

Mr. Suman Sengupta, Advocate
Ms. Amrita Panja Moulick, Advocate
... for the State

1. Affidavit of service filed in Court be taken on record.
2. Appeal is directed against an order dated June 23, 2025 passed in WPA 11796 of 2025.
3. By the impugned order, learned Single Judge disposed of a writ petition observing that the appellant before us can approach the jurisdictional Magistrate with regard to the police complaint.
4. Learned Advocate appearing for the appellant draws the attention of the Court to the report submitted by the police before the learned Single Judge. He submits that, the Officer-in-Charge stated that, there was a direction to register the complaint lodged by the appellant as a First Information Report. However, subsequently, the appellant withdrew from registering such

complaint as a First Information Report.

5. State is represented.
6. Learned Advocate appearing for the appellant submits that, the appellant was pressurized from withdrawing the complaint.
7. The complaint of the appellant apparently discloses commission of cognizable offences.
8. It is the view of the Officer-in-Charge of the jurisdictional police station that, the complaint was required to be registered as a First Information Report. In fact, report submitted before the learned Single Judge discloses the view of such Officer-in-Charge that, the complaint was required to be registered as a First Information Report.
9. The complaint was, however, not registered as a First Information Report. Justification for doing so is the alleged stand of the appellant that the appellant did not desire that the complaint should be registered as a First Information Report.
10. With the deepest of respect, once the police receive a complaint disclosing the commission of cognizable offence, there is no question of complainant withdrawing from such complaint and the police not registering such complaint as a First Information Report.
11. Apparently, the preliminary enquiry of the police resulted in formation of the opinion at the behest

of the police authority that the complaint was required to be registered as a First Information Report in view of the contents thereof.

12. In such circumstances, police will proceed to register the complaint as a First Information Report.
13. It is expected that the same is done within seven days from date.
14. In view of such discussion, impugned order is set aside.
15. **MAT 1189 of 2025** along with **IA No.: CAN 1 of 2025** stands disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)