

Ct.No.1 D/L 09.04.2026
13

Saikat
Mukherjee

FMA/345/2023
with
IA NO: CAN/1/2023

SUKUMAR BARIK
VS.
THE STATE OF WEST BENGAL AND ORS.

Mr. Samiran Giri, Adv.

...For the Appellant

Mr. Swapan Kr. Dutta, G.P.

Mr. Nilotpal Chatterjee, Adv.

...For the Respondent-State

Per, **Sujoy Paul, CJ.**

1. Parties are represented through their respective learned counsel.
2. Heard on admission.
3. The challenge is mounted to the order dated 2nd December, 2022, passed in WPA 21919 of 2019 whereby the learned Single Judge declined interference.
4. Learned counsel for the appellant/petitioner by taking this court to the relief clause of the writ petition submits that his principal prayer was to reduce his written complaint into writing as FIR but learned Single Judge has not granted the said relief.

5. In our opinion, the point and prayer put forth is no more *res integra* and has been decided by this court after following several Supreme Court judgments. This court in *Aloke Kr. Ghosh vs. State of West Bengal and Others*, MAT 1691 of 2023 expressed as under:-

“9. *In order to arrive at a logical conclusion as to whether the writ petitioner is at all entitled to the said relief, we at the very outset propose to look to the judgment as passed by the Hon’ble Supreme Court in the case of **Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage and Others** reported in (2016) 6 SCC 277 wherein the Hon’ble Supreme Court expressed the following view:*

“This Court has held in Sakiri Vasu v. State of U.P. [(2008) 2 SCC 409], that if a person has a grievance that his FIR has not been registered by the police, or having been registered, proper investigation is not being done, then the remedy of the aggrieved person is not to go to the High court under Article 226 of the Constitution of India, but to approach the Magistrate concerned under Section 156(3) Cr.P.C. We have said this in Sakiri Vasu case because what we have found in this country is that the High courts have been flooded with writ petitions praying for registration of the first information report or praying for a proper investigation”

10. *This Bench in the judgment of Sourav Mitra Vs. Swati Chakraborty Bhattacharya and Ors. reported in 2025 SCC OnLine Cal 9425 has also taken similar view by holding that for non-registration of FIR by a police authority on the basis of a complaint, the appropriate forum is not the High Court.*

11. *In view of the proposition of law as decided by the Hon’ble Supreme Court in the case of*

Sudhir Bhaskarrao Tambe (Supra) and as has been followed by us in the case of ***Sourav Mitra (Supra)***, we thus find that the Hon'ble Supreme Court practically deprecated the practice of approaching High Court with a prayer for issuance of appropriate writ/writs against the police authorities in the event a person has grievance that his FIR has not been registered by the police.”

6. In view of aforesaid decision, no relief is due to the appellant. The appellant is at liberty to avail the remedy under the law.
7. With the aforesaid observation, the appeal is **dismissed.**
8. With the dismissal of the appeal, connecting application being CAN 1 of 2023 is also **dismissed.**

(SUJOY PAUL, C.J.)

(PARTHA SARATHI SEN, J.)