

ML 76
11.06.2026
Ct. No. 05
adeb

WPA 3750 of 2026

Sailen Chowdhury
Vs.
The State of West Bengal & Ors.

Mr. Shyamal Roy
...for the petitioner

Mr. Suryaneel Das
Ms. Suchitra Sinha Chatterjee
Mr. Atanu Basu
...for the State

Mr. Kartik Kumar Roy
Mr. Apurba Kolya
...for the respondent nos. 6 to 18

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By presenting this writ petition petitioner has prayed for registering of FIR based on the complaint lodged.
3. It is submitted that complaint of the petitioner has not been transformed into an FIR. Petitioner prays for direction upon the concerned police authority to take steps accordingly.
4. Private respondents and State respondents are represented by learned advocates.
5. It is submitted on behalf of respondents that for registering FIR alternative remedy is available before the jurisdictional Magistrate.

6. Having considered the submissions made on behalf of the parties Court finds there is an alternative remedy under Section 175(3) of BNSS 2023 requiring the complainant to approach jurisdictional Magistrate.
7. In this regard reliance is placed on the judgment of Hon'ble Supreme Court reported in **(2007) 6 SCC 171 (Aleque Padamsee and Others vs. Union of India & Others)**.
8. Hence, writ petition is not entertained and same stands dismissed.
9. However, this order shall not preclude the petitioner to approach the jurisdictional Magistrate in pursuit of remedy.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)