

09.03.2026
Item No.10
Ct. No.1
KS

W.P.A. (P) 82 of 2026
Salam Sk @ Rocky Sk.
Vs.
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
Mr. Pintu Karar
Mr. Kiron Sk.
Mr. Satyam Pandey
Mr. Sayed Hossain
Mr. Jamiruddin Sk.

.....For the Petitioner

Mr. Kishore Dutta, Ld. A.G.
Mr. Swapan Banerjee
Mrs. S. Shaw

.....For the State

Mr. Bikash Ranjamn Bhattacharya, Sr. Adv.
Mr. Sudipa Dasgupta
Mr. Baibhav Roy

..For the Respondent No.5

PER, SUJOY PAUL, CJ.:

1. Parties are represented through their respective

learned counsels.
2. Heard on admission.
3. In this Public Interest Litigation, petitioner has

prayed for issuance of a Writ of Mandamus for

lodging F.I.R., constituting SIT and conduct

investigation.
4. It is submitted that for present grievance,

petitioner has already preferred a representation

dated 06.02.2026 (Annexure – P4) but, no action has been taken on the said representation.

5. In the opinion of this Court, the representation is too sketchy and too cryptic in nature. It does not disclose any cognizable offence for the purpose of lodging F.I.R. The person aggrieved, must approach the concerned Station House Officer/Police Station. If it is not still registered, he has a remedy to approach the concerned Superintendent of Police.
6. Interestingly, the present representation is not even addressed to the concerned police station, which is primarily obliged to consider registration of F.I.R.
7. As to whether a Writ of Mandamus can be issued for lodging F.I.R. and conducting investigation etc., is concerned, this point is no more *res intergra*.
8. This Court recently in the judgment dated 25.02.2026 as passed in MAT 1961 of 2023 (Aloke Kr. Ghosh Vs. State of West Bengal and Others) held 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.”

9. In the light of the aforementioned authoritative

pronouncement, petitioner has a statutory

efficacious remedy under the B.N.S.S./Criminal Law.

10. Thus, this writ petition is not entertained.

Liberty is reserved to the petitioner to avail the said remedy.

11. With the aforesaid observation, petition is disposed of.

12. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)