

09.03.2026
Item No.11
Ct. No.1
KS

W.P.A. (P) 83 of 2026

Bidhan Parui & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Krishnendu Sarkar

Mr. Anindya Sundar Das

Mr. Shaunak Ghosh

Ms. Suva Gayen

Ms. Paramita Mondal

Mr. Suman Halder

Mr. Sk. Babulal

Mr. Subrata Bairagya

Ms. S. Yeasmin

.....For the Petitioners

Mr. Jahar Lal De, Ld. A.G.P.

Mr. Koustav Bhattacharya

.....For the State

Mr. Phiroze Edulji, Sr. Adv.

Mr. Subhasish Shaw

.....For the Respondent No.6

PER, SUJOY PAUL, CJ.:

1. Parties are represented through their respective learned counsels.
2. Heard on admission.
3. In this Public Interest Litigation, petitioners have prayed for issuance of a Writ of Mandamus for registering the F.I.R. Alternatively, a direction is prayed for to conduct investigation through C.B.I. In

addition, petitioners have prayed for certain related reliefs.

4. The petitioners themselves have not preferred any application before the concerned Police Station for registration of F.I.R. This is not case of petitioners that they approached the concerned police authorities for registration of F.I.R. and it has not been registered. In that case also, petitioners have the remedy to approach the Superintendent of Police, if F.I.R. is not registered by concerned Station House Officer (S.H.O.).
5. This Court after considering catena of judgments of Hon'ble Supreme Court came to hold that a Writ of Mandamus cannot be issued for registration of F.I.R. and for conducting investigation in a particular way.
6. 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) opined 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."*

7. In the light of aforesaid, we find no reason to entertain this petition. Petitioners have remedy under the criminal law. They are at liberty to avail the said remedy.
8. With the aforesaid observation, petition is disposed of.
9. 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.)