

22.  
(DL)

17.03.2026  
Ct. No. 05  
(ARPAN)

# IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION  
(Appellate Side)

**W.P.A. 5326 OF 2026**

**SANJAY MISTRI**

**VS.**

**THE STATE OF WEST BENGAL AND OTHERS**

Mr. Animesh Paul, Adv.

Mr. Tamal Krishna Ghosh, Adv.

Ms. K. Keshri, Adv.

Ms. Manisha Kumar Upadhyay, Adv.

...for the Petitioner

Mr. M. Chandra Ghosh, Adv.

Mr. Prabir Kumar Roy, Adv.

...for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. It is submitted by the learned advocate representing the petitioner that offence was committed by the private respondents and petitioner was the victim thereby stating commission of offence a complaint was lodged before the concerned police authorities which is at pages 11 & 12 of this writ petition.
3. According to the petitioner, in spite of lodging complaint before the concerned police authorities, FIR was not registered and prayer is made in this writ petition for issuance of mandamus directing the concerned police authorities to register FIR against the private respondents based on the complaint made by the petitioner.

4. State respondents are represented by learned advocate who has submitted a communication dated 10<sup>th</sup> March, 2026 of the Inspector-in-Charge, Bidhannagar South Police Station and same is taken on record.
5. It is disclosed in the said communication dated 10<sup>th</sup> March, 2026 that based on complaint of the respondent no.4, a criminal prosecution was initiated being Narayanpur P.S. Case No.58 of 2026 dated 18<sup>th</sup> February, 2026 under certain provisions of BNS against the petitioner.
6. However, it is not disclosed in the said communication dated 10<sup>th</sup> March, 2026 that any criminal prosecution is initiated against the private respondents based on the complaint lodged by the petitioner.
7. If petitioner is aggrieved due to the inaction on the part of the police authorities in registering FIR based on complaint lodged by the petitioner, in that event, petitioner shall be at liberty to approach the jurisdictional Magistrate under Section 175 *vis-à-vis* Sections 210 & 223 of BNSS.
8. In this regard reliance is placed on the judgment of the Hon'ble Supreme Court reported in **(2007) 6 SCC**

***171 (Aleque Padamsee and others vs. Union of India and others).***

9. In view of relevant provisions as contained in BNSS which permit the petitioner to approach the jurisdictional Magistrate, present writ petition is not entertained and the same stands dismissed.
10. However, this order shall not preclude the petitioner to take steps, in accordance with law, in pursuit of appropriate remedy.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties upon usual undertakings.

**(SAUGATA BHATTACHARYYA, J.)**