

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 5928 OF 2026

SWAPAN KUMAR GHOSH AND OTHERS
VS.
THE STATE OF WEST BENGAL AND OTHERS
.....

Mr. Samiran Mandal, Adv.
Mr. Abhinaba Dan, Adv.
Mr. Agniva Mandal, Adv.
...for the Petitioners

Mr. Arindam Chattopadhyay, Adv.
Ms. Anima Das Chakraborty, Adv.
...for the State

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Learned advocate representing the petitioners submits that two complaints were lodged with the concerned police authority, one dated 20th February, 2026 and another dated 27th February, 2026. Though complaint dated 20th February, 2026 was transformed into FIR and criminal prosecution being Patrasayer P.S. Case No.53 of 2026 dated 20th February, 2026 was initiated under certain provisions of Bharatiya Nyaya Sanhita, 2023 but complaint dated 27th February, 2026 remained unattended.
3. It is also submitted on behalf of the petitioners that unidentified miscreants demolished the boundary wall of the petitioners which prompted the petitioners to approach the concerned police authorities seeking necessary action.

4. Learned advocate representing the State respondents has filed a communication dated 26th March, 2026 of Officer-in-Charge, Patrasayer Police Station, Bankura and same is taken on record. Copies of the said communication dated 26th March, 2026 are made over to the learned advocates representing the petitioners and the private respondent.
5. It is disclosed in the communication dated 26th March, 2026 that based on the complaint of the petitioners dated 20th February, 2026 FIR was registered and criminal prosecution being Patrasayer P.S. Case No.53 of 2026 dated 20th February, 2026 was initiated. It also appears from the communication that investigation is going on in connection with the aforesaid criminal prosecution.
6. Petitioners pray for registering of FIR in connection with complaint dated 27th February, 2026 lodged with the concerned police authorities.
7. For registering FIR present writ petition is not entertained since there is an alternative remedy available to the petitioners under Section 175(3) of Bharatiya Nagarik Suraksha Sanhita, 2023.
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. Hence, writ petition stands dismissed.
10. However, this order shall not preclude the petitioners to approach the jurisdictional Magistrate in pursuit of remedy.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)