

12 **27.04.2026**
(DL) Court No. 05
 (Suvendu Mukherjee)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

WPA 6465 of 2026

Sandip Mandal
-Versus -

The State of West Bengal & Ors.

Mr. Asit Kr. Bhattacharya
.....for the petitioner

Mr. Pradip Kumar Mondal
Mr. Arjun Samanta
.....for the State respondents

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner prays for registering of FIR based on the complaint received by the concerned police authority on 25th January, 2026. In addition thereto, petitioner has prayed for recovery of ornaments and cash which were alleged to have been taken by the respondent no. 4.
3. On behalf of the State respondents a communication dated 25th March, 2026 of Officer-in-Charge of Daspur Police Station, Paschim Medinipur is placed before this Court and same is taken on record.

4. It is disclosed in said communication that on receipt of the complaint from the petitioner after enquiry allegations made by the petitioner against the respondent no. 4 were not found to be substantiated. In addition thereto, it is disclosed in said communication that based on the complaint of respondent no. 4 a criminal prosecution being Daspur Police Station Case No. 11/26 dated 6th January, 2026 was initiated.

5. From the submissions made on behalf of the parties, it appears that due to marital discord incident took place and criminal proceeding is pending against the petitioner based on the complaint lodged by his wife being respondent no. 4. Prayer for registering FIR on the basis of the complaint lodged by the petitioner in the month of January, 2026 is not maintainable in view of availability of alternative remedy under section 175 (3) of Bharatiya Nagarik Suraksha Sanhita, 2023. 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 & Others)**.

6. Hence, writ petition is not entertained and same is dismissed.

7. However, this order shall not preclude the petitioner to approach the jurisdictional Magistrate in pursuit of his remedy.

8. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)