

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 6400 OF 2026

HANIF SEIKH

VS.

THE STATE OF WEST BENGAL AND OTHERS

Mr. Salma Sultana Shah, Adv.

...for the Petitioner

Mr. Jayanta Samanta, Jr. G.A.

Mr. Kazi Sajjad Alam, Adv.

...for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. A case is made out on behalf of the petitioner that petitioner had a two-wheeler which was stolen or lost on 21st August, 2020 but contemporaneously no complaint was lodged complaining of such incident.
3. Thereafter, petitioner received a message on his mobile phone on 30th January, 2026 from the concerned authority relating to challan issued in connection with the two-wheeler which was stolen or lost on 21st August, 2020. Subsequently, petitioner lodged a complaint in the month of February, 2026 before the concerned police authorities.
4. It is submitted on behalf of the petitioner that till date after filing of complaint before the concerned police authorities FIR has not been registered and prayer is made for registering FIR.

5. State respondents are represented by learned advocate who has opposed this writ petition on the count that two-wheeler was stolen or lost on 21st August, 2020 but complaint was lodged in the month of February, 2026 which is precisely after five years.
6. A man of ordinary prudence would have filed complaint with the local police station in case of theft of his two-wheeler on 21st August, 2020 just after the incident and he would not have waited for five years to lodge such complaint. Such delay caused by the petitioner in approaching the police authorities complaining of theft of his two-wheeler does not instill confidence in the minds of this Court that whether it was at all a case of theft or not.
7. After receiving the message on his mobile phone, petitioner lodged the complaint with the concerned police authorities in the month of February, 2026 which is afterthought.
8. Therefore, Court is not inclined to interfere in this writ petition.
9. Moreover, for registering FIR writ petition is not maintainable and 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)**.

10. Hence, writ petition stands dismissed.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)