

In The High Court at Calcutta
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 6664 OF 2026

KALIPADA SARKAR
VS.
THE STATE OF WEST BENGAL AND OTHERS

.....

Mr. Arghya Mullick, Adv.
Md. Ali Ahasan, Adv.

...for the Petitioner

Mr. Suryaneel Das, AGP
Ms. Anita Kundu, Adv.
Ms. Sumita Sarkar, Adv.

...for the State

Mr. Pinaki Dhole, Adv.
Mr. Rabindra Kumar Pathak, Adv.

...for the Private Respondents

1. By presenting this writ petition, *inter alia*, petitioner has prayed for direction upon the concerned police authority to register FIR based on the complaint lodged. It is submitted on behalf of the petitioner that till date complaint of the petitioner has not been transformed into FIR.
2. Learned advocate representing the respondent nos.4 to 16 has opposed this writ petition and submits that complaint was lodged long after the incident took place.
3. Mr. Suryaneel Das, learned Additional Government Pleader representing the State respondents has opposed this writ petition and has submitted that there is an alternative remedy available to the petitioner, if complaint of the petitioner is not taken into consideration and FIR is not registered.
4. Under Section 175 (3) of Bharatiya Nagarik Suraksha Sanhita, 2023 complainant is required to approach the jurisdictional Magistrate for registration of FIR. 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)***.

5. In view of availability of alternative remedy, present writ petition is not entertained.
6. Hence, writ petition stands dismissed.
7. However, this order shall not preclude the petitioner to take steps, in accordance with law, if so advised.
8. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)