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17.04.2026
Ct. No. 05
adeb

WPA 7789 of 2026

Ashwini Kumar
Vs.
The State of West Bengal & Ors.

Mr. Ranojoy Chatterjee
...for the petitioner

Mr. Jagabandhu Roy
Mr. Debasish Kar
...for the State

Mr. Samarendra Chakraborty
....for the private respondent
nos. 4 to 6

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 petitioner and proforma respondent no. 7 entered into an agreement for sale with respondent nos. 4, 5 and 6 and paid a sum as per terms of agreement. However, respondent nos. 4, 5 and 6 subsequently refused to execute sale deed. Petitioner lodged a complaint with the concerned police authority and direction is prayed for initiating criminal prosecution by registering FIR.
3. State respondents and respondent nos. 4, 5 and 6 are represented by learned advocates who have

opposed this writ petition. It is also submitted that for registering FIR writ petition is not maintainable since there is an alternative remedy under Section 175(3) of Bharatiya Nagarik Suraksha Sanhita, 2023.

4. Having considered the submissions made on behalf of the parties it is found that present writ petition is instituted for initiation of a criminal prosecution on registering FIR and conducting investigation thereof. There is an alternative remedy available under Section 175(3) of BNSS 2023.

5. Hence, present writ petition is not entertained.

6. In this regard reliance is placed on the judgment of Hon'ble Supreme Court reported in **(2007) 6 SCC 171 (Aleque Padamsee and Others vs. Union of India & Others)**.

7. Writ petition stands dismissed.

8. However, this order shall not preclude the petitioner to approach the jurisdictional Magistrate in accordance with law.

9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)