

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

W.P.A. 9098 OF 2026

CHINMOY CHOUDHURY
VS.
THE STATE OF WEST BENGAL AND OTHERS

.....

Mr. Chirantan Sarkar, Adv.
Mr. Sultan A. Mondal, Adv.
...For the Petitioner
Ms. Suchitra Sinha Chatterjee, Adv.
...For the State
Mr. Soumyajit Das Mahapatra, Adv.
Mr. Madhurai Sinha, Adv.
Ms. Upasana Banerjee, Adv.
...For the Respondent Nos.4 & 5

1. On hearing the learned advocate representing the petitioner, it appears that inaction on the part of the police authorities in registering FIR prompted the petitioner to approach this Court with the present writ petition.
2. It is submitted on behalf of the petitioner that in connection with property dispute petitioner along with his family members are being harassed requiring immediate initiation of criminal prosecution by registering FIR.
3. Learned advocates representing the State respondents and respondent nos.4 & 5 have jointly opposed this writ petition in view of availability of alternative remedy by approaching jurisdictional Magistrate under Section 175 (3) of Bharatiya Nagarik Suraksha Sanhita, 2023.
4. There is an alternative remedy available to the petitioner under Section 175 (3) of BNSS, 2023, in the event, complaint of the petitioner is not transformed

into 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. Hence, writ petition is not entertained and same stands dismissed.
6. However, this order shall not preclude the petitioner to approach the jurisdictional Magistrate in pursuit of remedy.
7. Parties to act on the server copy of this order duly downloaded from the official website of this court.

(SAUGATA BHATTACHARYYA, J.)