

WPA 9512 of 2026

**Abumuchha Gazi & Anr.
Vs.
Government of West Bengal & Ors.**

Mr. Sunit Kr. Roy

....for the petitioners

Mr. Suryaneel Das

Ms. Suchitra Sinha Chatterjee

Ms. Sumita Sarkar

....for the State

Mr. Javed K. Sarwarwala

Mr. Shariq A. Sarwarwala

Ms. Sadaf Afrin

...for the respondent nos. 5 & 6

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. By presenting this writ petition prayer is made for registering FIR based on the complaint lodged. It is submitted that in spite of lodging complaint same has not been transformed into an FIR. Petitioners pray for direction upon the concerned police authorities for registering FIR taking note of the complaint lodged by the petitioners.
3. Learned advocate representing State respondents has opposed this writ petition in view of availability of remedy under Section 175(3) of BNSS, 2023.

4. Private respondents are also represented by the learned advocate.
5. Under Section 175(3) of BNSS 2023 there is an alternative remedy available by approaching jurisdictional Magistrate in the event FIR is not registered based on complaint.
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 & Other)**.
7. Hence, writ petition is not entertained and same stands dismissed.
8. However, this order shall not preclude the petitioners to approach jurisdictional Magistrate in pursuit of remedy.
9. Parties to act on the server copy of this order duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)