

20.05.2026
Ct. No.5
Sl. No.44
akd

W. P. A. 10039 of 2026

[Arindam Mondal -Vs- The State of West Bengal & Ors.]

Mr. Debarshi Brahma
Mr. Sayantan Maity
... ... for the petitioner

Mr. Sarbananda Sanyal
Mr. Saikat Gayen
... for respondent nos.5, 6 & 7

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Learned Advocate representing the petitioner submits that inaction on the part of the concerned police authority prompts the petitioner to approach this court with the present writ petition seeking direction upon the police authorities to take steps by taking cognizance of alleged offence.
3. From the submission made on behalf of the petitioner it appears that till date no case is registered pursuant to the complaint lodged by the petitioner with the local police station.
4. Respondent nos. 5, 6 and 7 are represented by the learned Advocate.
5. In view of availability of alternative remedy under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, petitioner is required to approach the jurisdictional Magistrate. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court in the case of ***Aleque Padamsee & Ors. vs. Union of India & Ors.*** reported in ***(2007) 6 SCC 171.***

6. In view of availability of alternative remedy, the writ petition is not entertained and the same stands dismissed.
7. However, this order shall not preclude the petitioner to approach the jurisdictional Magistrate in pursuit of remedy.
8. There shall be no order as to costs.
9. Let urgent Photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on usual undertaking.

(Saugata Bhattacharyya, J.)