

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION

(Appellate Side)

W.P.A. 10467 OF 2026

AYUB ALI LASKAR

VS.

THE STATE OF WEST BENGAL AND OTHERS

.....

Ms. Nabanita Chatterjee, Adv.

Ms. Biswashree Pantha, Adv.,

...for the Petitioner

Mr. Golam Mastafa, Adv.

Mr. Tarasankar Samanta, Adv.

...for the Respondent Nos.4-7

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Matter is heard in presence of the learned advocates representing the petitioner and respondent nos.4 to 7.
3. It is alleged by the learned advocate representing the petitioner that inaction on the part of the concerned police authority prompted the petitioner to approach this Court with the present writ petition seeking direction upon the concerned police authority to take steps.
4. Learned advocate representing the respondent nos.4 to 7 has submitted that no complaint is annexed to this writ petition by which attempt was made by the petitioner to bring the alleged incident of commission of offence to the notice of the concerned police authority.
5. It is submitted on behalf of the petitioner that though averments are made in the writ petition, inadvertently complaint has not been annexed to this writ petition.
6. If Court proceeds on the premise that petitioner lodged complaint against respondent nos.4 to 7 but no steps were taken by the concerned police authority to register a case, in that event, petitioner is required to approach the jurisdictional Magistrate under Section 175 (3) of

Bharatiya Nagarik Suraksha Sanhita, 2023. 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)*.

7. In view of availability of alternative remedy, present writ petition is not entertained.
8. Hence, writ petition stands dismissed.
9. However, this order shall not preclude the petitioner to approach the jurisdictional Magistrate in pursuit of remedy.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)