

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

(APPELLATE SIDE)

WPA 10295 of 2026

Tumpa Mondal

-Versus -

State of West Bengal & Ors.

Mr. Asim Kr. Niyogi

....for the petitioner

- 1) Affidavit of service filed on behalf of the petitioner is taken on record.
- 2) Matter is taken up for consideration in presence of learned advocate representing the petitioner. However, State respondents are not represented.
- 3) Petitioner is aggrieved by inaction of the concerned police authority in taking steps on receipt of complaint of the petitioner and has prayed for direction upon the police authority to register FIR based on the complaint lodged by the petitioner.
- 4) In view of availability of alternative remedy under section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 petitioner can approach the jurisdictional Magistrate, if necessary steps are not taken by the concerned police authority by registering FIR on receipt of complaint from the petitioner. 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 & Others)**.
- 5) Hence, writ petition is not entertained and same stands dismissed.
- 6) However, this order shall not preclude the petitioner to approach jurisdictional Magistrate in pursuit of remedy.
- 7) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)