

7
15.05.2026
Ct. No. 05
adeb

WPA 10553 of 2026

**Sri Bijan Barua
Vs.
The State of West Bengal & Ors.**

Mr. Rudra Prasad Sinha
Ms. Moontaha Sadar

...for the petitioner

Mr. Anuran Samanta
Mr. Sourav Mondal

...for the Union of India

Mr. Ujjal Ray
Mr. Abdur Rahim

...for the respondent no. 7

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. In spite of service of notice State respondents are not represented.
3. However, respondent no. 7 and Union of India are represented by learned advocates.
4. On perusal of the prayer couched in the writ petition it appears that petitioner has prayed for direction upon the concerned police authorities for registering a case based on the complaint lodged by the petitioner. In other words, prayer is made for initiating a criminal prosecution based on registering FIR.
5. There is an alternative remedy available to the petitioner under Section 175(3) of Bharatiya

Nagarik Suraksha Sanhita, 2023 requiring complainant to approach the jurisdictional Magistrate. 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 & Others)**.

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

(Saugata Bhattacharyya, J.)