

In The High Court at Calcutta
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 10911 OF 2026

PATITPABAN PATRA
VS.
THE STATE OF WEST BENGAL AND OTHERS

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Mr. Lakshminath Bhattacharya, Adv.
...for the Petitioner
Mr. Chittapriya Ghosh, Adv.
Ms. Komal Singh, Adv.
Mr. Somesh Kumar Ghosh, Adv.
...for the Respondent Nos.6 & 7

1. Matter is heard in presence of the learned advocates representing the petitioner and respondent nos.6 and 7.
2. Petitioner prays for registering a case by transforming the complaint of the petitioner into FIR.
3. However, on perusal of the writ petition it is found that no formal complaint was lodged with the concerned police authority. Absence of complaint is also agitated by the learned advocate representing the respondent nos.6 & 7.
4. In absence of complaint lodged with the concerned police authority no relief can be granted to the petitioner.
5. Moreover, petitioner prays for registering of FIR. There is an alternative remedy available to the petitioner 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)***.
6. In view of availability of alternative remedy, present writ petition is not entertained.
7. Hence, writ petition stands dismissed.
8. However, this order shall not preclude the petitioner to take steps, in accordance with law.

9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)