

WPA 11160 of 2026

**Minam Naur Gazi & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Omar Faruk Gazi
Ms. Shaoni Panda
...for the petitioners

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. Petitioners are represented by learned advocate who submits that inaction on the part of police authority prompted the petitioners to approach this Court with the present writ petition seeking appropriate direction upon the concerned police authority to register FIR. On perusal of prayer (a) it appears that prayer is made for registering of FIR based on the complaint lodged before the concerned police station. Prayer is also made for rendering police protection to the petitioners.
3. There is an alternative remedy available under Section 175(3) of Bharatiya Nagarik Suraksha Sanhita, 2023, if complaint lodged before the concerned police authority is not transformed into an FIR. 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)**.

4. Hence, petitioners are granted liberty to approach jurisdictional Magistrate under Section 175(3) of BNSS, 2023 in the event based on complaint of petitioners FIR is not registered.
5. However, it is submitted on behalf of petitioners that petitioners are being threatened and ousted from their residence after Assembly Election, 2026, concerned police authorities are directed to take necessary steps which would facilitate the petitioners to stay at their residence peacefully.
6. With the aforesaid observations and directions writ petition stands disposed of.
7. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)