

19
rkd 17.06.2026
Ct.05

W.P.A. 11285 of 2026

Milan Mudi

-vs-

The State of West Bengal & Ors.

Mr. Mohan Kumar Sanyal,
Mr. Dwaipayan Sanyal

....for the petitioner.

Mr. Kallol Basu,
Mr. Atreya Chakraborty

....for the respondent nos.5 o 7.

Mr. Suryaneel Das,
Ms. Anita Kundu,
Ms. Sumita Sarkar

....for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Matter is taken up for consideration in presence of the learned advocates representing the petitioner, respondent nos.5 to 7 and State respondents.
3. Learned advocate representing the petitioner prays for direction upon the concerned police authority for transforming the complaint of the petitioner into an FIR.
4. Prayer is made in this writ petition directing the police authorities to draw up an FIR and initiate criminal prosecution based on complaint lodged by the petitioner.
5. Learned advocates representing the respondents have submitted that an alternative remedy is available under Section 175(3) of BNSS 2023 by approaching

jurisdictional Magistrate in the event petitioner's complaint has not been transformed into FIR.

6. Court finds that under Section 175(3) of BNSS 2023 petitioner has a remedy available by approaching jurisdictional Magistrate in the event complaint of the petitioner is not transformed into an FIR.
7. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court, reported in (2007) 6 SCC 171 (Aleque Padamsee & Ors. –v. Union of India & Ors.).
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. Since no affidavit is called for allegations made in the writ petition are deemed not to have been admitted.
11. Parties to act on the server copy of this order duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)