

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION

(Appellate Side)

W.P.A. 11363 OF 2026

MR. SK. PIKE

VS.

THE STATE OF WEST BENGAL AND OTHERS

.....

Mr. Debangshu Bandhu, Adv.
Mr. Ivan Roy, Adv.

...for the Petitioner

Mr. Suryaneel Das, AGP
Ms. Suchitra Sinha Chatterjee, Adv.
Ms. Sumita Sarkar, Adv.

...for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner has come up with the present writ petition, *inter alia*, praying for direction upon the concerned police authorities which would facilitate the petitioner to run his business. In other words, it is submitted that due to interference on behalf of the police authority, business of the petitioner is stopped.
3. However, from the submission made on behalf of the petitioner, it appears that a criminal prosecution started in connection with FIR no.905 of 2024 dated 19th November, 2024 registered by the concerned authority of Memari Police Station and charge-sheet has already been filed.
4. It is further submitted on behalf of the petitioner that the Court below has taken cognizance of offence and trial is going on.
5. State respondents are represented by Mr. Suryaneel Das, learned Additional Government Pleader who has opposed this writ petition.
6. Court is considering the present writ petition filed under Article 226 of the Constitution of India seeking direction

upon the police authorities. But while considering the facts, it emanates that in connection with the aforementioned criminal prosecution charge-sheet was filed and Court below has taken cognizance of the offence.

7. After passing judicial order taking cognizance of offence writ petition under Article 226 of the Constitution is not maintainable. It is not a petition under Article 227 of the Constitution or under Section 482 of Cr.P.C. *vis-à-vis* Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court reported in ***2024 SCC OnLine SC 5761 (Neeta Singh and Others vs. State of Uttar Pradesh and Others)***.
8. Hence, present writ petition is not entertained and same stands dismissed.
9. However, this order shall not preclude the petitioner to approach the Court below in pursuit of remedy.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)