

WPA 11494 of 2026

**Swapna Pyne
Vs.
The State of West Bengal & Ors.**

Mr. Amit Bikram Mahata
Mr. Samrat Mondal
...for the petitioner

Mr. Suryaneel Das
Ms. Suchitra Sinha Chatterjee
Mr. Bhaskar Bhattacharyya
...for the State

1. Learned advocate representing petitioner submits that in spite of making effort to serve notice upon respondent nos. 5 to 9 service could not be effected.
2. However, State respondents are represented by learned advocate.
3. Prayer is made in this writ petition for registering FIR based on the complaint lodged. Inaction on the part of the concerned police authority to register FIR prompts the petitioner to approach this Court with this writ petition seeking directions upon the concerned police authority to take steps accordingly and to provide protection to the petitioner.
4. Learned advocate representing State respondents opposes this writ petition since

there is availability of alternative remedy under Section 175(3) BNSS, 2023.

5. In terms of Section 175(3) BNSS, 2023 petitioner is required to approach jurisdictional Magistrate in the event complaint of petitioner is not transformed into an FIR. 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. Hence, writ petition is not entertained and same stands dismissed.
7. However, this order shall not preclude the petitioner to approach jurisdictional Magistrate in pursuit of remedy.
8. Police authorities are also directed to maintain peace and tranquility at the locale.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.