

26.05.2026

Sl. No. 7

Ct No. 2

SG/Ab

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 11518 of 2026

Jahura Bibi & Ors.

Vs

The State of West Bengal & Ors.

Mr. Nikhil Kr. Gupta.

...for the petitioners

1. At the time of hearing learned advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to page no. 68 to 71 of the instant writ petition being a copy of the letter dated 18.04.2026 as addressed to the respondent authorities. It is submitted that despite violation of the order of injunction as passed by the jurisdictional civil court at the instance of the private respondents the police authority more specifically the respondent no. 6 herein has not lodged FIR on the basis of the said written complaint dated 18.04.2026. It is thus submitted that in view of such inaction and/or non-action on the part of the respondent no. 6 authority, appropriate writ/writs may be issued against the respondent no. 6 authority commanding him to initiate FIR on the basis of the written complaint dated 18.04.2026 and to start investigation.

2. The maintainability of a writ petition under Article 226 of the Constitution of India on account of the refusal by the police authority lodged FIR is well settled. In the reported decision of *Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhage and others*, reported in (2016) 6 SCC 277, the Hon'ble Apex Court expressed the following view:-

“this Court has held in *Sakiri Vasu vs. State of UP* [(2008) 2 SCC 409] that if a person has a grievance that his FIR has not been registered by the police, or having been registered, proper investigation is not being done, then the remedy of aggrieved person is not to go to the High Court under Article 226 of the Constitution of India, but to approach the Magistrate concerned under Section 156(3) of the Cr.P.C. We have said this in *Sakiri Vasu* case because what we have found in this country is that the High Courts have been flooded with writ petitions praying for registration of the First Information Report or praying for a proper investigation.”

3. Similar such view was taken by me while sitting in a Division Bench presided over by the Hon'ble The Chief Justice in the judgment dated 25.02.2026 as passed in ***MAT 1691 of 2023 (Aloke Kumar Ghosh vs. State of West Bengal & Ors.)***.

4. In view of such, this Court sitting in Single Bench cannot take any contrary stand as taken by this Court while sitting in the Division Bench along with the Hon'ble the Chief Justice.

5. In view of the discussions made above, this Court holds that the instant writ petition is not maintainable and is hereby dismissed.

6. There shall, however, be no order as to costs.

7. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Partha Sarathi Sen, J.)