

Ct.No.1 M/L 02.02.2026
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Saikat
Mukherjee

WPA(P)/190/2025

**SARFARAZ ALAM
VS.
UNION OF INDIA AND ORS.**

Mr. Rishabh Ahmed Khan, Adv.
Ms. Homaira Akhter, Adv.

...For the Petitioner

Mr. Atarup Banerjee, Adv.
Mr. Arijit Majumdar, Adv.
Ms. Shreyashi Sarkar, Adv.

...For the Respondent/
Union of India

Mr. Jahar Lal De, A.G.P.
Mr. Saurav Chaudhuri, Adv.

...For the Respondent-State

Per, **Sujoy Paul, CJ.**

1. Parties are represented through their respective learned counsel.
2. Heard.
3. The petitioner has prayed for the following reliefs in the petition:-

- a. "Leave be granted to the writ petitioner under Rule 26 of the Writ Rules of this Hon'ble Court to allow the petitioner to move this instant writ petition by dispensing with the requirement of serving an advance copy of the petition upon the respective respondents in view of the urgency involved in the present matter;*
- b. An order thereby directing the respondent no.6 to forthwith take steps against the private respondents and conduct raids at the locations wherefrom illegal sale of cannabis is taking place in the city of Kolkata within a stipulated time period;*

- c. *A Writ of and/or in the nature of Mandamus be issued thereby directing the respondent no.3 to register an ECIR and investigate the private respondents under the Prevention of Money Laundering Act, 2002;*
- d. *A Writ of and/or writs in the nature of Mandamus be issued thereby directing the respondent no.9 to register a First Information Report in respect of the complaints of the petitioner thereby investigate the allegations of the petitioner within a stipulated time period;*
- e. *A Writ of and/or writs in the nature of Mandamus be issued thereby directing the respondent no.2 to conduct an enquiry against the role of the respondent nos.14, 15 & 16 for adding and abetting the private respondents to illegally sell cannabis;*
- f. *A writ of and/or writs in the nature of Certiorari be issued thereby calling upon the respondents to certify transmit and presence all records to this Hon'ble Court so that conscionable justice may be force.*
- g. *Interim and ad interim orders in terms of the prayers made hereinabove;*
- h. *Rule NISI in terms of prayer (a), (b), (c), (d), (e), (f) and (g) made above;*
- i. *Costs of and/or other incidentals to be borne by the respondents;*
- j. *To pass such other and/or further order and/or orders or direction and/or directions as Your Lordships may deem fit and proper."*

4. This court at the time of preliminary hearing directed the State to file its report. In turn, a report dated 19th June, 2025, was filed by supplying copy to the petitioner. In the said report, the Officer-in-Charge of Ekbalpur Police Station informed that the Private Respondent No.19 lodged a complaint against the petitioner alleging extortion of Rs.50 lakhs, criminal

intimidation and public defamation. A preliminary enquiry followed by investigation is going on regarding the alleged offence under sections 336/308/352/351 of BNS.

5. In addition, in the said report it is highlighted that petitioner could not identify and inform about the names and identity of other persons who are alleged signatory of mass petition. It is also averred that petitioner was examined in the light of his complaint of selling cannabis and he failed to show exact place from where the cannabis are sold in Ekbalpur Police area. It is further submitted that petitioner's statement was recorded under videography.
6. Learned counsel for the petitioner submits that his allegations are correct and as an officer of the court he submits the allegations are not false. He placed reliance on the representation and photograph (Annexure-'P3'). He submits name of places mentioned in the said photograph are correct for the purpose of illegal selling of cannabis.
7. Shri De, learned Additional Government Pleader for the State, relied upon the report.
8. As noticed, report was submitted way-back on 11th August, 2025. On more than one occasion, we gave last opportunity to the petitioner to file Exception to the said report. The order-sheet dated 27th October, 2025, and 1st December, 2025, are relevant for this purpose. It was made clear that if

Exception is not filed within stipulated time, the right to file Exception shall automatically stand forfeited. In view of these orders, Exception intended to be filed today is not accepted.

9. In absence of Exception and any cogent material to reach to a different conclusion, we find no reason to disbelieve the report of the department.
10. Apart from this, Relief (d) of the Prayer Clause seeks a Writ of Mandamus for lodging an FIR, even if a cognizable offence is pointed out and the same is not reduced in writing in the shape of FIR, remedy is elsewhere. This Bench recently in ***Sourav Mitra vs. Swati Chakraborty Bhattacharya & Ors. (MAT 1989 of 2025 with CAN 1 of 2025)*** considered the relevant Supreme Court judgments and opined that the appropriate remedy is under the Cr.P.C. and BNSS.
11. In this view of the matter, we find no reason to entertain this petition.
12. Accordingly, WPA(P) 190 of 2025 is **dismissed**.
13. However, this order will not come in the way of the petitioner to approach the appropriate forum for the purpose of lodging the FIR.
14. No order as to costs.

(SUJOY PAUL, C.J.)

(PARTHA SARATHI SEN, J.)