

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION

(Appellate Side)

W.P.A. 12239 OF 2026

NIRMALYA MUKHERJEE
VS.
THE STATE OF WEST BENGAL AND OTHERS

.....

Ms. Dipanwita Ganguly, Adv.
Ms. Arpita Chakraborty, Adv.
...For the Petitioner

Ms. Suchitra Sinha Chatterjee, Adv.
Mr. Bhaskar Bhattacharyya, Adv.
...For the State

Mr. Chinmoy Pal, Adv.
Mrs. Swati Mandal, Adv.
...For the Respondent Nos.5 & 6

1. It appears from the submission made on behalf of the petitioner that petitioner is aggrieved by in-action on the part of the concerned police authority in registering FIR taking note of the complaint lodged.
2. State respondents and respondent nos.5 & 6 are represented by learned advocates.
3. There is an alternative remedy available to the petitioner to approach the jurisdictional Magistrate under Section 175 (3) of Bharatiya Nagarik Suraksha Sanhita, 2023, in the event, complaint of the petitioner is not transformed into FIR. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court reported in *(2007) 6 SCC 171 (Aleque Padamsee and others vs. Union of India and others)*.
4. Hence, writ petition is not entertained and same stands dismissed.
5. However, this order shall not preclude the petitioner to approach the jurisdictional Magistrate in pursuit of remedy.
6. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)