

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION

(Appellate Side)

W.P.A. 12998 OF 2026

TAPAS KUMAR DAS

VS.

THE STATE OF WEST BENGAL AND OTHERS

.....

Mr. Mrinal Kanti Ghosh, Adv.
Mr. Jayanta Dey, Adv,
Ms. Bipasha Bhattacharyya, Adv.

...For the Petitioner

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

...For the State

Mr. Sanatan Manna, Adv.
Mr. Binay Das, Adv.

...For the Respondent No.7

1.

Affidavit-of-service filed on behalf of the petitioner is taken on record.
2.

By presenting this writ petition petitioner has prayed for direction upon the concerned police authorities for registering FIR based on complaint lodged.
3.

It is submitted that in spite of complaint lodged before the concerned police authority, such complaint is not transformed into FIR.
4.

State respondents and respondent no.7 are represented by learned advocates.
5.

Having considered the case made out in this writ petition, it is found that petitioner is aggrieved by inaction on the part of the concerned police authority in not registering FIR taking note of the complaint lodged.
6.

However, there is an alternative remedy available to the petitioner under Section 175 (3) of BNSS, 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)*.

7. Hence, writ petition is not entertained and same stands dismissed.
8. However, this order shall not preclude the petitioner to approach the jurisdictional Magistrate in pursuit of remedy.
9. Parties to act on the server copy of this order duly downloaded from the official website of this court.

(SAUGATA BHATTACHARYYA, J.)