

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION

(Appellate Side)

W.P.A. 13303 OF 2026

SUDIPTO BANERJEE

VS.

THE STATE OF WEST BENGAL AND OTHERS

.....

Dr. Jyotirmoy Som, Adv.
Mr. Archya Ghosh, Adv.

...For the Petitioner

Mr. Suryaneel Das, AGP
Ms. Amita Kundu, Adv.
Ms. Sumita Sarkar, Adv.

...For the State

Mr. Arindam Maitra, Adv.

...For the Respondent No.9

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. On hearing the learned advocate representing the petitioner, it appears that petitioner has prayed for direction upon the concerned police authority to register FIR based on complaint lodged. In other words, complaint of the petitioner is not transformed into FIR prompting the petitioner to approach this Court with the present writ petition.
3. State respondents and respondent no.9 are represented by learned advocates.
4. There is an alternative remedy available to the petitioner under Section 175 (3) of BNSS, 2023, in the event, FIR is not registered based on the complaint lodged. 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)*.
5. Hence, writ petition is not entertained and same stands dismissed.

6. However, this order shall not preclude the petitioner to approach the jurisdictional Magistrate in pursuit of remedy.
7. Parties to act on the server copy of this order duly downloaded from the official website of this court.

(SAUGATA BHATTACHARYYA, J.)