08.04.2026
Item No.23
Ct. No. 1
RP

**FMA 1408 OF 2025**
**+**
**IA No.CAN 1 of 2025**

**Prashanta Baidya**
**VS**
**The State of West Bengal and others**

Mr. Nitai Chandra Saha
Mr. Pradip Mondal
Mrs. Nisha Agarwal
...For Appellant
Mr. Swapan Kumar Dutta, Ld. GP
Mr. Nilotpal Chatterjee
....For State

**DICTATED BY PARTHA SARATHI SEN, J.:**

1. The appellant and the respondent/State are represented by their respective learned counsels.
2. None appears on behalf of the respondent nos.4,5 and 6.
3. On perusal of the order impugned as passed by the learned Single Bench on 28.07.2025 in WPA 15271 of 2025 it reveals to us that while disposing the said writ petition the learned Single Bench granted liberty to the writ petitioner/appellant herein to approach the jurisdiction civil and criminal Court

for necessary relief in view of the representation dated 30.06.2025.

4. We have also noticed from the representation dated 30.06.2025 that the writ petitioner/appellant ventilated before the Officer-in-Charge of the Diamond Harbour Police Station, district- South 24 Parganas that the private respondents are threatening him with dire consequences and they have also threatened to cause serious harm to the writ petitioner/appellant as well as his family members and even threatened to murder him.

5. It is submitted that despite disclosure of a cognizable offence the Officer-in-Charge of the Diamond Harbour Police Station did not take appropriate step in accordance with law, which the learned Single Bench has failed to visualize.

6. It is settled principle of law that in the event written complaint is not reduced into FIR and/or in the event the

informant is not satisfied with the progress and/or with the final report of investigation, the appropriate remedy is not the writ Court as has been observed by the Hon'ble Supreme Court in the reported decision of **Sudhir Bhaskarrao Tambe** vs. **Hemant Yashwant Dhage & Ors.** reported in **2016 (6) SCC 277**.

7. This Court on more than one occasions while dealing with selfsame subject came to similar such finding that Writ Court is not an appropriate forum for ventilating grievance by a writ petitioner for not lodging the FIR by the police authority in view of availability of alternative remedy under BNSS.

8. In view of such, we are constrained to hold that the Learned Single Bench while passing the impugned order dated 28.07.2025 has taken a plausible view, which needs no interference.

9. With the aforementioned observation, the instant appeal is disposed of. With

the disposal of the instant appeal, the pending interlocutory application, being CAN 1 of 2025, is also disposed of.

10. Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

**(SUJOY PAUL, CJ.)**

**(PARTHA SARATHI SEN, J.)**